

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- July 8, 1969

The meeting of the Commission was called to order at 7:00 p.m. in the Council Room, Municipal Building.

Present

S. P. Kinser, Chairman  
C. L. Reeves  
M. J. Anderson  
Jack S. Crier  
Bill Milstead  
Roger Hanks  
Alan Taniguchi  
Robert Kinnan

Also Present

Hoyle M. Osborne, Director of Planning  
Richard Lillie, Assistant Director of Planning  
Wayne Golden, Planning Coordinator  
Walter Foxworth, Associate Planner  
Mike Wise, Associate Planner

MINUTES

Minutes of the meeting of December 10, 1968, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of June 30, and July 1, 1969.

Present

Alan Taniguchi  
Jack Crier  
\*Bill Milstead  
C. L. Reeves  
S. P. Kinser

Also Present

Richard Lillie, Assistant Director of Planning  
Mike Wise, Associate Planner  
Shirley Ralston, Administrative Secretary

\*Present only on July 1, 1969.

PUBLIC HEARINGS

C14-69-004      Bradford-Cummins, Inc.: Int. A, Int. 1st to BB, 1st  
Rear of 6101-6305 Highland Hills Drive  
6001 Shadow Mountain Drive

The Director of Planning reported that in January, 1969, Mr. Bradfield applied for a rezoning from "A" Residence, First Height and Area to "BB" Residence,

C14-69-004 Bradfield-Cummins, Inc.--contd.

First Height and Area on 18.7 acres (the proposed Highland Hills Section 9, Phase 2 Subdivision) located north of the present Highland Hills area and south of North Hills Drive. The application was heard on February 3, 1969, by the Zoning Committee. Upon the request by the applicant and based on the indication that additional information could be presented on a proposed nearby development, the Commission allowed the applicant to have a postponement and rehearing of the matter. The case was reheard by the Zoning Committee on April 1, 1969, and was forwarded to the Planning Commission meeting on April 8, 1969; the Commission in conjunction with the applicant and the Northwest Civic Association, representing in effect the neighborhood, agreed to a postponement of action by the Commission in order to attempt to provide for a reconciliation of the differences between the applicant's proposal and the neighborhood objection. Apparently it was not the intent of the Commission nor in turn, the intent of the applicant or of the neighborhood that this be a postponement for rehearing purposes. On June 20, 1969, a request was received from Bradfield-Cummins for hearing of the matter by the Planning Commission. Mr. Bradfield was advised that the Commission could not hold a hearing but could take the matter up for action based on the agreement and the previous action of the Commission. Mr. Bradfield stated at that time that he would prefer to reapply and have the matter heard by the Zoning Committee which would be in effect starting over again.

Mr. Osborne stated that he advised Mr. Irwin Salmonson, attorney for the Northwest Austin Civic Association, of the request and Mr. Salmonson in the name of the Association requested that the matter be brought up for action by the Planning Commission at this time, and this is the current status of the matter. There is a report from the Zoning Committee from the April 1, 1969, meeting to the full Commission and a recommendation to deny the request. Mr. Osborne stated that the staff also recommended denial and to the best of his knowledge the circumstances and the differences between the neighborhood and the applicant are essentially unchanged.

Mr. Kinser asked Mr. Taniguchi to read the report by the Zoning Committee and the Planning Commission.

Mr. Taniguchi read the following report from the Zoning Committee and the Planning Commission:

The Committee discussed the proposed zoning and development in relation to the existing development and the street pattern in the area. They were of the opinion that there should be an overall plan for development of the area owned by the applicant and the adjoining vacant land to the north. They concluded that the request should be denied as an intrusion into a well-established residential area with an inadequate street pattern.

At the Commission meeting, the Chairman reported a letter from Mr. Rogan Giles, attorney for the applicant, and Mr. Irwin R. Salmonson, attorney for the Northwest Austin Civic Association, which objected to the change, stating that the attorneys have met to discuss the application, and the concern expressed by the Association with development of other adjacent

C14-69-004      Bradfield-Cummins, Inc.--contd.

tracts and mutually agreeing that the Planning Commission should be requested to defer and postpone further consideration until further notice by either the applicant or the Association. The request was made for the purpose of allowing time for the further exchange of ideas by the applicant, the Association and others to occur.

The Commission then voted to postpone this request until further notice.

Mr. Hanks informed the Commission that he was on the Zoning Committee when the application was heard and one thing that the Committee considered the most important was the traffic flow coming through this particular area to Highland Hills Drive and to the residential area. The Committee's interest was that if they were to do this there would be adequate facilities provided for the people in the area to be able to get out without going through the residential area. It was felt that going up Hart Lane and down to North Hills Drive was satisfactory. The feeling of the Committee at that time was that the Hart Lane extension going to Mo-Pac was the key street to get the people out of the area and keep them from going through the residential area. There was concern as to when Hart Lane was going to be opened and if it were going to be opened at the time or before completion of the units, which are under the duplex density in this area. Mr. Hanks asked if the Commission could inquire of Mr. Barrow as to when Hart Lane would be open.

Mr. Charles Dippel, Assistant City Attorney, stated that the type of information requested would not be new testimony and does not have to be of record before the Zoning Committee. He said that in his opinion it would not be necessary to send the application back to the Zoning Committee to have notices sent out for public hearing just to get the information needed on the streets.

Mr. Erwin Salmonson appeared at the hearing and stated that in his opinion the introduction of any information of the sort being asked would only be speculative in nature. Mr. Barrow has not as of this time opened up Hart Lane and in his opinion it would be speculative to inquire of him as to when he intends to open it up and information of this type would constitute new information to the Commission.

Mr. Hanks stated that the Commission has a letter from Mr. Barrow that states that they plan to begin construction of Hart Lane this year.

Mr. David Barrow appeared at the hearing and in answer to the question by Mr. Hanks, explained that the only part of Hart Lane that is not complete already is about three or four blocks located one block from North Hills Drive down to approximately two blocks from North Hills Park. He said that it is their intention as stated in the letter to complete the street and pave it this year.

Mr. Hanks stated that the Zoning Committee pointed out that when the street is put through that it will give the access for the people out of the area to get to Mo-Pac which was an important consideration because of the existing "LR" Local Retail and "BB" Residence zoning in the area as well as the high school area.

C14-69-004 Bradfield-Cummins, Inc.--contd.

Mr. Reeves stated that in his opinion the density permitted under the "BB" Residence zoning is not enough to cause the traffic congestion which has been indicated. After further discussion, it was then

VOTED: To recommend that the request of Bradfield-Cummins, Inc. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area for property located at the rear of 6101-6305 Highland Hills Drive and 6001 Shadow Mountain Drive be GRANTED.

AYE: Messrs. Kinser, Reeves, Kinnan, Hanks and Milstead  
 NAY: Messrs. Taniguchi, Anderson and Crier  
 ABSENT: None

C14-69-092 The Connolly Company: Int. A, Int. 1st to LR, 1st  
 1510-1806 Clubview Avenue  
 5800-6002 Riverside Drive  
 1809-1911 Country Club

STAFF REPORT: This application covers 17.10 acres of undeveloped land and the stated purpose of the request is for a shopping center. The subject property along with the large tract to the north bounded by the extension of Grove Boulevard and the private drive which serves the Austin Country Club was considered several months ago, at which time the Commission recommended that the tract to the north, containing 24.6 acres, be zoned "BB" Residence, First Height and Area which was subsequently granted by the City Council subject to the extension of Grove Boulevard as it effects that tract. At that time, the staff felt that Tract 1 which is the property now under consideration should be postponed because of the peculiar shaped area which adjoins it to the east, not owned by the applicant, and because it is outside the City limits. The recommendation for postponement was discussed with the applicant and his representatives and they did agree to postponement until they could decide whether or not they could acquire the land, annex it into the City and make it a part of the zoning application. They could not reach an agreement with the adjoining landowner and the applicant has now requested that the zoning on Tract 1 be considered.

The subject property is located in the southern portion of the Montopolis Community. There is single-family development directly to the east of Clubview Avenue, which adjoins the subject tract, extending to Montopolis Drive. East of Montopolis Drive is a drive-in theater which was rezoned and constructed last year. To the north of the subject tract and to the north of Fairway Street is the proposed Country Club Gardens, a subdivision by the Dolores Catholic Church, and the Montopolis Community Center in which the majority of the tract will be used for single-family low cost housing. The southeast corner along Montopolis Drive will have some low-density apartments and commercial use. The zoning in the area is predominantly "A" Residential although there is "B" Residence zoning existing north of Tract 2 and "LR" Local Retail and "C" Commercial zoning at the intersection of Riverside Drive and Montopolis Drive. There are also several pending requests in the area, one of which is

C14-69-092      The Connolly Company--contd.

for "BB" zoning on property directly across Montoplis Drive from the drive-in theater. Grove Boulevard and Riverside Drive are both classified as major arterial streets in the Expressway and Major Arterial Plan. The staff recommends that the zoning on the site be granted as requested with the exception of the northern 170 feet fronting onto Fairway Drive which should be retained as "A" Residence, because of the proposed development of the single-family lots directly across the street, subject to provision for the extension of Fairway Street and Grove Boulevard as they affect the subject tract and subject to 10 feet of right-of-way for the future widening of Clubview Avenue to 60 feet. Fairway Street is proposed to be extended from Clubview Avenue to Grove Boulevard and will require 10 feet from the Country Club Garden Subdivision and 50 feet from the subject property. The applicant and his representative are aware of the recommendations by the staff and have indicated that it is satisfactory.

## TESTIMONY

## WRITTEN COMMENT

Code

Luster B. Hobbs

FOR

W. E. Kasparek: 6108 Riverside Drive

FOR

## PERSONS APPEARING AT HEARING

Code

None

## SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that "LR" Local Retail zoning as requested should be granted for the site with the exception of the north 170 feet which should be retained as "A" Residence, First Height and Area, subject to provision for the extension of Fairway Street and Grove Boulevard and subject to dedication of 10 feet of right-of-way on Clubview Avenue.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of The Connolly Company for a change of zoning from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area for property located at 1510-1806 Clubview, 5800-6002 Riverside Drive, and 1809-1911 Country Club Road be GRANTED for the site with the exception of the north 170 feet which should be granted "A" Residence, First Height and Area subject to provision for the extension of Fairway Street and Grove Boulevard and subject to dedication of 10 feet of right-of-way on Clubview Avenue.

C14-69-122      Van C. Kelly: A to B  
 2913-3105 Govalle Avenue  
 3000-3110 Neal Street  
 1106 Tillery Street

STAFF REPORT: The subject property contains 3.7 acres of land which is presently undeveloped and the stated purpose of the request is for a nursing home. The area is predominantly single-family in character with several duplexes in the neighborhood and a large number of large tracts with one single-family dwelling developed. The area is a very old neighborhood but is one which is stable and has maintained itself. The zoning is "A" Residence, First Height and Area and there is no other zoning closer than three blocks to the tract. There are several non-conforming uses in the area. This particular application was considered last month at which time it was found that there was an error in the notice which necessitated the readvertising and rehearing of the case. The staff previously recommended denial of the request and again recommends denial as an intrusion into a well-established residential neighborhood. At the last meeting the Commission felt that a nursing home was proper in this neighborhood and as such recommended that the request be granted subject to an increase in the right-of-way of Neal Street from the existing 25 feet to 50 feet to conform to minimum street requirements in the Subdivision Ordinance and with the condition that a restrictive covenant be submitted limiting the use of the site to a nursing home. In the event the property is not used as such, an application would be initiated for a rollback in zoning to "A" Residence. Tillery and Govalle Streets are both collector streets with 60 feet of right-of-way. The staff recommends that the request be denied as an intrusion into a residential neighborhood.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

Nelson Puett & Associates: 5425 Burnet Road	FOR
Standard Mortgage Company, Inc.: 305 West 6th	FOR
John R. Harris: 2803 West Fresco	FOR
Adolph F. Bach: 3200 Govalle Avenue	FOR

##### PERSONS APPEARING AT HEARING

###### Code

Tom E. Johnson (representing applicant)	
Joseph Gonzales: 1103 Brass Street	AGAINST
Tony Hernandez: 3004 Govalle Avenue	AGAINST
Louis Ojeda: 1100 Brass Street	AGAINST
Richard Rodriguez: 1105 Brass Street	AGAINST
Mrs. Nellie P. Tellez: 1101½ Brass Street	AGAINST
Sipriano M. Tellez: 1101½ Brass Street	AGAINST
Charles E. Wiltziuf (rep. Urban Renewal Agency)	FOR
Hugh Hoffkins	AGAINST

C14-69-122      Van C. Kelly--contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Tom E. Johnson, representing the applicant and Mrs. Mary Arnold, advised the Committee that the use proposed on the site is a nursing home of the highest type which will be available for all races. Mrs. Arnold has a nursing home at the present time, which is located on Nile Street but is in the Glen Oaks Urban Renewal area and has to be relocated. Mrs. Arnold has no desire to change locations as there is ample room at the existing location for expansion and the 70 bed hospital; however, she is willing to cooperate with the Urban Renewal Agency and is therefore seeking a new location. It is anticipated that the new installation will be a 100 bed nursing home. Mrs. Arnold has tried in every way to cooperate and she is willing to continue to do so. The Urban Renewal Agency is a branch of the City Government and they have assisted her in trying to find a new location. It is felt that the subject property meets all the requirements of the State Health Department and the State Welfare Department and the use could be appropriate for the site. This is an excellent location for a nursing home and there will not be any hazards created such as traffic or large congregations of people coming and going. The use as proposed would be more suitable for the area than apartments because of the quiet character of the use.

The proposed use would have been allowed on the site a few months ago before the Zoning Ordinance was amended as the use was permitted on a tract with three or more acres; however, since the change in the Ordinance, a five acre tract is required without a zoning change. The subject property actually has 4.3 acres but when the right-of-way which is required is taken from the site, which has been agreed to by the applicant, the acreage is reduced to approximately 3.7 acres. The use of the property will not interfere with any use that is being made in the neighborhood, and will in fact be an asset. The structure will cost approximately \$300,000 with all the equipment and the City should not want to pass up an addition to the tax rolls. There will be a chain link fence around the area and in the back there will be a hedge of ligustrums for a screen and beautification.

Mr. Charles E. Wiltziuf, representing the Urban Renewal Agency, advised the Committee that the Agency is displacing Mrs. Arnold's existing nursing home as it is in the Glen Oaks Urban Renewal Project area. The tract which has been chosen for relocation meets all the requirements and the use will not bother any of the residents in the area.

## Arguments Presented AGAINST:

Mr. Hugh Hoffkins, attorney for Vista, advised the Committee that he has been requested by the property owners in the area to oppose the change in zoning on the subject property. The residents realize that Mrs. Arnold has a problem in that she has to relocate the nursing home because of the Urban Renewal project; however, the homeowners in this area are opposed to the relocation onto the subject property. Most of the residents in this area are Latin

C14-69-122      Van C. Kelly--contd.

American and the patients in the nursing home are predominantly Negro. This fact would not be particularly important but the residents have indicated they do not believe in the concept of a nursing home, as they feel it is their duty and obligation to take care of the members of their families themselves and not put them in nursing homes, so the use would not be a benefit to the residents. One of the problems of the present nursing home is the flooding of Barton Creek and it should be pointed out that this problem will also exist in this immediate area. Boggy Creek overflows periodically and when it does Webberville Road floods which is the main access from the south to the area. When there are flooding conditions Tillery Street is the only major street for access. The land surrounding the tract is very rough and unimproved. There are boulders, weeds, and holes and the residents say that there are numerous rats, snakes and other animals that live in the area which obviously makes it undesirable for a nursing home. The residents in the area met with the applicant in order to straighten out some of the problems and they were advised that the current plans include a hedge fence as a retaining wall. This is not acceptable to the residents as they are apprehensive about the elderly people going out through the hedge and getting in the way of traffic. There is also a concern about the fact that some people who are quite elderly are not in complete control of their faculties. Consideration should be given to what the proposed development will be like in the future, if the existing nursing home is not very well kept. This is a completely residential area and the requested change would be an intrusion.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and was cognizant of a letter submitted by the applicant stating that the purpose of the application is for the construction of the Arnold Nursing Home and that an application to revert the zoning back to "A" Residence would be submitted in the event the nursing home was not constructed. The Committee felt that in view of this letter that the requested zoning is appropriate and would be the highest and best use of the land and recommended that it be granted subject to a 25 foot dedication on Neal Street to bring the street to the minimum width required under the Subdivision Ordinance.

At the Commission meeting, the staff advised the members that the letter dedicating the necessary right-of-way for Neal Street was submitted when the request was originally heard.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Van C. Kelly for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2913-3105 Govalle Avenue, 3000-3110 Neal Street and 1106 Tillery Street be GRANTED.

C14-69-161 R. C. Littlefield: A to B

Tract 1: 3312-3314 Red River Street  
823-831 Harris Avenue (East 34th Street)  
Tract 2: 826-830 Harris Avenue (East 34th Street)  
3400-3510 Red River Street

STAFF REPORT: This application covers two tracts of land fronting onto Red River Street. The tract south of Harris Avenue contains an area of 23,650 square feet and the tract north of Harris Avenue contains an area of 2.76 acres. The stated purpose of the request is for constructing apartments. The land use in the area includes an established residential neighborhood to the north along Red River and East 37th Street and to the west along Hampton Road and Harris Avenue. There is an older residential area to the south of Duncan Lane to the southeast. There are existing apartments to the south of Harris Avenue on both sides of Red River Street and a church is established directly across the street from the subject tract. Between Duncan Lane and Luther Lane there is a large tract of "B" Residence zoning which is undeveloped. There have been a number of zoning applications on property along Red River south of Duncan Lane during the past few years for "O" Office, "BB" Residence, and "C" Commercial all of which have been granted. At least four zoning applications have been filed on the subject property, the most recent being a request for "B" Residence, First Height and Area zoning in 1968, which was withdrawn. "O" Office zoning for a hobby shop was also recently requested on one of the lots under consideration which was also withdrawn. A request for "BB" Residence, First Height and Area zoning made in 1967, is pending on one of the lots. Red River Street with an existing right-of-way of 60 feet is classified as a major arterial street, as is East 38th Street located to the north. The staff recommends that the request be denied and that the existing "A" Residence zoning be retained. The relationship of the lots which front onto Harris Avenue and side onto Red River Street is more desirable between single-family uses to the north and "O" Office zoning to the south and east. If the three lots on the north and south side of Harris Avenue were rezoned there would be no feasible termination to prevent strip apartment zoning along Harris Avenue to the west. It is felt that St. Paul's Lutheran Church, zoned "B" Residence, is an institutional buffer to the east as is the church south of Harris Avenue, although it is the staff's understanding that it is no longer used as a church. The staff recommends denial of the zoning as an encroachment into a well-defined and well-established single-family area on a street which is inadequate. If the Committee feels that the request should be granted, it is recommended that the three lots on both sides of Harris Avenue be required to be combined as a single development site and also that five feet of right-of-way plus a five foot sidewalk and utility easement be required along Red River Street.

#### TESTIMONY

#### WRITTEN COMMENT

Vance Fox: 3212 Red River Street

FOR

C14-69-161 R. C. Littlefield--contd.

## PERSONS APPEARING AT HEARING

R. C. Littlefield (applicant)	
Mrs. Robert R. Blake: 3700 Hampton Road	AGAINST
Ernic W. Tullis: 837 East 38th Street	AGAINST
Mrs. Julia Faye Neal: 831 East 38th Street	AGAINST
Cecil R. McCullough: 3815 Duval Street	AGAINST
Gail E. Johnson: 822 East 37th Street	AGAINST
Mrs. Otis Nelle: 840 East 37th Street	AGAINST
Allen E. Smith: 832 East 37th Street	AGAINST
John B. Williams: 834 East 37th Street	AGAINST
C. H. Owens: 818 Harris Avenue	AGAINST
Mrs. Sybil Small: 819 Harris Avenue	AGAINST
Alleen W. Smith: 821 Harris Avenue	AGAINST
Lamar A. Phipps: 821 Harris Avenue	AGAINST
Mr. & Mrs. Gordon M. Lantz: 3408 Red River	FOR
Mary E. Baird: 823 East 37th Street	AGAINST
James R. Meyers: 818 East 37th Street	AGAINST
Mrs. James R. Meyers: 818 East 37th Street	AGAINST
Robert R. Blake: 3700 Hampton Road	AGAINST
Cary Blake: 3700 Hampton Road	AGAINST
Mrs. Natalie M. Collins: 829 East 37th Street	AGAINST
Mrs. W. C. Walther: 3509 Hampton Road	AGAINST
Mrs. John B. Williams: 834 East 37th Street	AGAINST
Mrs. C. H. Owens: 818 Harris Avenue	AGAINST
Mr. John Frank: 3313 Hampton Road	AGAINST
Mrs. Edmund P. Frank: 3313 Hampton Road	AGAINST
Mrs. Jane Frank McCullough: 3815 Duval Street	AGAINST
William Shive: 843 East 38th Street	AGAINST
Mary Elaine Frank: 3313 Hampton Road	AGAINST
Edmund Frank: 3313 Hampton Road	AGAINST
Charlotte A. Frank: 3313 Hampton Road	AGAINST
Mrs. William Shive: 843 East 38th Street	AGAINST
Dorothy Johnson: 822 East 37th Street	AGAINST
Lois Horstmann: 838 East 37th Street	AGAINST
A. L. Horstmann: 838 East 37th Street	AGAINST
Mrs. A. L. Horstmann: 838 East 37th Street	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. R. C. Littlefield, advised the Committee that he is the owner of the largest tract of land included in this application and he also represents the other property owners involved. He explained that the subject property was purchased for the prime purpose of constructing apartments, recognizing the present development along Red River Street that has been going on a number of years. It is realized that there is a very nice substantial residential area to the west but it should be pointed out that the zoning is requested only for property fronting along Red River Street which should not effect

C14-69-161      R. C. Littlefield--contd.

the adjoining residential area. Red River Street has been experiencing continuing development consisting of commercial and multi-family units. The subject property is immediately adjacent to an existing apartment structure and there is a large area across from the site which is zoned "B" Residence for apartment construction.

Mr. Littlefield stated that his tract consists of 48,000 square feet and the change as requested would permit 50 one bedroom units but there are only 41 units planned. The staff mentioned that there is a church to the south and it should be pointed out that the church has been purchased by a fraternity and at the present time is being used for a rooming house and other uses. North of Duncan Lane is a 3.5 acre tract which is zoned "B" Residence. To the north along Red River there is scattered apartment development and Hancock Shopping Center. The normal expected development along a street such as Red River Street would be semi-commercial and multi-family. Not many cities will allow single-family development to exist along a heavy arterial street which is motivated for commercial use. It is requested that the zoning be granted so that the area can continue its planned and orderly development of semi-commercial and apartment use.

#### Arguments Presented AGAINST:

Mr. Jim Meyers appeared at the hearing and submitted a petition signed by 85 families opposing the requested change. He explained that there is an elementary school in this area which would be effected by increased traffic on Harris Avenue and presented petitions in opposition signed by the principal of the school and by families with children in the school. The residential property owners believe that this is a place where lines should and can be drawn in order to keep the property zoned as "A" Residence. Property at the southwest corner of East 37th Street and Red River was recently sold for a residence which indicates that there was substantial demand for this type of area even though there is heavy traffic on Red River Street. The purpose of zoning is to keep up with and perhaps anticipate need and it is felt that there is a continuous need for a first class residential neighborhood or enclave in this community near the University of Texas and certain medical facilities. Many faculty members of the University as well as professional people live in this area as it is close to their work. The point of consideration should also be a question of need. The people in the area would not oppose the zoning of "B" Residence for the Hancock tract but the property has been zoned for more than a year and no apartments have been built which indicates that there are no investors that feel the need is so great that they would undertake development of the property.

Photographs were presented showing development of the area. There is a church school and elementary school in the area and there is great concern that apartment development with the increased traffic would be hazardous for the children. Mr. Meyers informed the Committee that the residents of the area have not sat idly by and fought zoning applications only. A number of the residents have formed a group and restricted a large amount of the area to single-family development. A number of the people have felt that the biggest danger of encroachment

C14-69-161 R. C. Littlefield--contd.

would be from the Hancock Center tract to the north so two of the corners at East 38th Street and Red River Street were purchased and are maintained as single-family residences in order to prevent the encroachment into the area. The other two corners at the same intersection are owned by the City. One of the residents also purchased the northeast corner of 38½ Street and Red River Street, in order to maintain it as a residence, the feeling being that the intersection might entice commercial or apartment development.

Several other property owners appeared in opposition to the request and stated that this is one of the few remaining residential areas in close proximity to the University and every effort should be made to help the residents maintain the character of the area. One important aspect is the fact that many of the residents feel so strongly about protecting the residential character of the area that a corporation has been formed so that sensitive lots can be purchased and in some instances deed restricted to single-family development. If the change is granted on the subject property a precedent will be set for similar type changes to continue throughout the neighborhood. It is realized that the traffic along Red River Street and in this area is heavy but it is admitted that more intensive development will only increase the situation that is already a problem.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an encroachment into a well-established residential area.

At the Commission meeting, the staff reported a letter from the applicant requesting that this application be withdrawn.

Mr. Osborne advised the Commission that the matter of withdrawal of applications has been discussed with the Legal Department and it is their opinion that such withdrawal should be forwarded on to the City Council. The Commission should make a recommendation on the requested zoning and forward the request for withdrawal to the City Council as the hearing has been set. If the request for withdrawal had occurred prior to notification of individual owners of the area and in turn the hearing by the Committee, the request could be properly accepted.

The Commission concurred with the Committee recommendation that the requested zoning would be an encroachment into a well-established residential area and recommended that the request be denied. They further recommended that the request for the withdrawal of the application be forwarded to the City Council. It was then

VOTED: To recommend that the request of R. C. Littlefield for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at (Tr. 1) 3312-3314 Red River Street, 823-831 Harris Avenue (East 34th Street) and (Tr. 2) 826-830 Harris Avenue (East 34th Street) and 3400-3510 Red River Street be DENIED and that the request for withdrawal be forwarded to the City Council.

C14-69-162      A. F. Hudson: B to C  
 701-705 West 26th Street  
 2512-2514 Rio Grande Street

STAFF REPORT: This application covers 20,300 square feet and the stated purpose of the request is for commercial development. The subject property is located within the area west of Guadalupe Street and north of West 24th Street along Rio Grande Street. To the northeast of the site is Seton Hospital. The land use in the area is mixed, consisting of single-family, two-family, apartments, dormitories, rooming houses and fraternities, and in the vicinity of West 24th and Rio Grande Streets there are a number of commercial uses. The zoning pattern is complex with a majority of the non-residential zoning occurring to the east between Rio Grande and Guadalupe Streets and "A" and "B" Residence zoning occurring on Rio Grande west to Lamar Boulevard. There is "C" Commercial zoning established at 24th and Rio Grande Streets with approximately one-half block of "O" Office zoning between 24th and 25th Streets. Across the street from the subject tract, bounded by Seton Avenue, Rio Grande, West 25th and West 26th Streets, there is one block of "C" Commercial, Fourth Height and Area zoning which is the most permissive height and area district in the Ordinance; however, the area is developed with single-family structures, two-family structures, apartments and rooming houses. Rio Grande Street is proposed as a major arterial street in the Expressway and Major Arterial Plan. A current proposal by the Traffic and Transportation Department is that Rio Grande Street which is now one-way north, be reversed to become one-way south. The proposal is also to change the flow of traffic on Nueces and San Antonio Streets. West 24th Street, being one-way east and West 25th Street, being one-way west, are both classified as major arterial streets. The staff feels that the requested "C" Commercial, Second Height and Area zoning on the site is too permissive and too intensive for the area even though there is "C" Commercial, Fourth Height and Area zoning established across the street. It is felt that either "B" Residence or "O" Office zoning which exists is the proper zoning for the tract and provides a buffer between the "C" Commercial, Fourth Height and Area district on the east of Rio Grande and the predominantly residential neighborhood to the west of Rio Grande. The staff recommends that the requested zoning be denied; however, if the Committee feels that the application is proper, five feet of right-of-way would be required for Rio Grande Street in order to bring it to the proposed 70 feet of width.

## TESTIMONY

## WRITTEN COMMENT

Code

F. H. Gable

FOR

Mrs. Verna S. Young: 2610 Rio Grande Street

FOR

Svea Sauer: 704 West 25½ Street

FOR

## PERSONS APPEARING AT HEARING

Code

Gordon Griffin, Jr. (representing applicant)

C14-69-162      A. F. Hudson--contd.

SUMMARY OF TESTIMONY

Mr. Gordon Griffin, Jr., advised the Committee that he is representing himself and the applicant in this application. In support of the requested zoning he pointed out that the area south of 26th Street running from Rio Grande to Guadalupe Street is presently zoned "C" Commercial with varying height requirements. On the north side of West 26th Street, running from Rio Grande to Guadalupe Streets, all the property with the exception of the Seton Tract is zoned "C" Commercial. The usage of the Seton Tract will change in the future and will probably be zoned commercial. To the north along Rio Grande Street in the vicinity of 24th to 29th Streets the intersections are developing commercially with "C" Commercial zoning. Four corners of the intersection of West 24th and Rio Grande Streets are already zoned "C" Commercial and developed with uses permitted in this district. There is a trend to higher utilization of the land in this area. "LR" Local Retail, "B" Residence and "O" Office zoning is established in the area to the south. Within the University area the City is faced with the decision of whether to have a limited business district with more traffic congestion and parking problems for people trying to do business, or spreading the business development out so that there can be ease of ingress and egress for the traffic. If the businesses could be spread out there would be a better parking situation in the area. At the present time there are no plans for development of the site although it is felt that when development occurs there will be small business type development. West 26th Street is a major business street as all the frontage between Rio Grande and Guadalupe on the south side is zoned commercially. The trend along West 26th Street is commercial as is the trend at several other intersections along this street. It is felt that the requested zoning is a logical extension of zoning which exists and would allow the proper development of property within the University area. The University area is growing and there is a need for more businesses to serve the students. It is requested that the application be granted.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, a majority of the members recommended that "C" Commercial, First Height and Area zoning be granted, subject to five feet of right-of-way for Rio Grande Street, as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of A. F. Hudson for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 701-705 West 26th Street and 2512-2514 Rio Grande Street be DENIED but that "C" Commercial, First Height and Area be GRANTED, subject to five feet of right-of-way for Rio Grande Street.

C14-69-163      Karle Henderson: A to BB  
5410-5412 Shoalwood Avenue

STAFF REPORT: The property under consideration contains an area of 20,000 square feet and the stated purpose of the request is for apartment development. The land use in the area is predominantly single-family and the zoning, with one exception, is predominantly "A" Residential. The Brown School, presently zoned "B" Residence is located south of Lawnmont Avenue with the main access to the property from North Loop Boulevard to the south. Shoalwood Avenue is classified as a minor residential street with an existing right-of-way of 50 feet. The staff recommends that the requested zoning be denied as an intrusion into a well-defined and well-established residential area on a street with inadequate width to serve high density development. If the request is granted, five feet of right-of-way would be required for Shoalwood Avenue.

TESTIMONY

WRITTEN COMMENT

Code

Cecil Wolsch: 5418 Shoalwood	AGAINST
Homer B. Johnson: 5414 Shoalwood	AGAINST
Evelyn H. Pigg: 5419 Woodview	AGAINST
Charles O. Betts: 5422 Shoalwood	AGAINST
J. W. James, Jr.: 5421 Woodview	AGAINST

PERSONS APPEARING AT HEARING

Code

Karle Henderson (applicant)	
Charles O. Betts: 5422 Shoalwood	AGAINST
Cecil Wolsch: 5418 Shoalwood	AGAINST

SUMMARY OF TESTIMONY

Mr. Karle Henderson appeared at the hearing and requested that this application be withdrawn because of the opposition in the area.

Mr. Lillie explained that the request would have to proceed to the full Commission meeting as the Committee does not have authority to accept withdrawal of the request inasmuch as notices were sent out.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee was cognizant of the applicant's request to withdraw this application and recommended that it be referred to the full Commission for final action.

The Commission members felt that this request should be denied and that the request for withdrawal of the application be forwarded to the City Council.

C14-69-163 Karle Henderson--contd.

It was then unanimously

VOTED: To recommend that the request of Karle Henderson for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 5410-5412 Shoalwood Avenue be DENIED and that the request for withdrawal of the application be forwarded to the City Council.

C14-69-164 Austex Investment Corporation: B to O  
1007-1011 Shoal Creek Boulevard

STAFF REPORT: The subject property covers two lots totaling 10,000 square feet. The stated purpose of the request is for office use. The most recent zoning in the area was a request from "B" Residence, Second Height and Area to "O" Office, Second Height and Area on property to the east at the intersection of West 11th Street and West Avenue which is to be considered by the City Council at their next meeting. Shoal Creek Boulevard and West 11th Street are both classified as minor collector streets each with 60 feet of right-of-way. The staff feels that the requested zoning is appropriate as it conforms to the changing character of the neighborhood and recommends that the request be granted subject to approval of the driveway locations by Public Works or the Building Inspector. It should also be pointed out that Shoal Creek Boulevard is closed from West 11th Street south.

## TESTIMONY

## WRITTEN COMMENT

Code

Gussie Evans: 1800 Bremer

FOR

## PERSONS APPEARING AT HEARING

Code

Gene Naumann (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Gene Naumann was present at the hearing and stated that the plans are for a small office building containing approximately 3000 square feet. He said that it is his understanding that the City plans in the future to open Shoal Creek Boulevard and a member of the Planning Department staff discussed the possibility of taking part of the lots under consideration and perhaps trading with the City for some property on 11th Street in order to make it more desirable for a through street. There are two lots involved in the application, one of which is developed with an old house. There are offices on West 10th Street at the present time and the request on the subject property is appropriate for the area.

No one appeared in opposition to the request.

C14-69-164 Austex Investment Corporation--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the appropriate zoning for the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Austex Investment Corporation for a change of zoning from "B" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1007-1011 Shoal Creek Boulevard and 823-825 West 11th Street be GRANTED, subject to approval of driveway location by Public Works.

C14-69-165 Northwest Austin, Inc.: Int. A, Int. 1st to GR, and A, 1st (as  
 9201-9327 West Loop Boulevard amended)  
 9135-9141 West Loop Boulevard  
 9123-9111 Wildridge Drive  
 9110-9118 Wildridge Drive

STAFF REPORT: This application covers two tracts of undeveloped land. The tract located north of the proposed Wildridge Drive contains an area of 6.76 acres and the tract south of Wildridge Drive contains 13,413 square feet. The stated purpose of the request is for commercial development. The land in the immediate vicinity is undeveloped. The subdivision immediately to the east is in the process of being approved for low density residential development. Land use along Old U. S. Highway 183 includes single-family homes with several non-residential uses, one of which is the Emco-Electro Mechanic Company. All of the area along Old U. S. Highway 183 is outside the City Limits and is unzoned. The area within the City Limits is zoned Interim "A" Residence, Interim First Height and Area. West Loop Boulevard is proposed as a major arterial street. The staff has checked with the Highway Department on the status of the acquisition for the right-of-way for West Loop. Acquisition has not been completed although condemnation proceedings have begun on several parcels. The Highway Department has indicated that they hope to be finished with acquisition by the end of the year with the construction to follow. The staff feels that the zoning requested on the site should be denied as it is premature and the site at the present time has no access until the development of West Loop. There are also topographic problems with respect to the site and West Loop as it is constructed. It is felt that the large tract as well as the frontage along Old U. S. Highway 183 should likely be commercial when highway facilities are constructed but at this time it is premature. If the Committee feels that the zoning is proper, it is recommended that the small tract south of Wildridge Drive be denied and retained as "A" Residence thus permitting construction of duplexes, and that the larger tract be zoned "GR" General Retail. Bluffridge Drive is designed to continue south with some lots backing to the Expressway.

C14-69-165 Northwest Austin, Inc.--contd.

## TESTIMONY

## WRITTEN COMMENT

Code

Standard Mortgage Company, Inc.: 305 West 6th

## PERSONS APPEARING AT HEARING

Code

W. W. Patterson (representing applicant)  
Hunter Schieffer

FOR

## SUMMARY OF TESTIMONY

Mr. W. W. Patterson advised the Committee that the applicants are the developers of Northwest Estates and the zoning is requested now and not later in order to be fair to the people who buy lots in the Subdivision. The proper time for zoning for commercial development is before residential development occurs. The property is located entirely on West Loop Boulevard and will not be suitable for single-family dwellings or duplexes. The area south of Wildridge Drive could possibly be suitable for fourplexes or apartments at a later date but is not suitable for ordinary family type units. The change requested is good zoning inasmuch as it will be on the two corners located along West Loop Boulevard. One of the corners will probably be a service station site in the future. Northwest Estates is putting in 111 lots at the present time and the property now under consideration would be the only area zoned for commercial purposes as it is the most desirable and natural location. To the northeast is a trailer park, outside the City Limits, which does not lend itself very well to residential development. The zoning is needed at this time so that the developers can know how to place their soil around in order to make the site suitable for the uses proposed. As pointed out by the staff the Emco Electro Mechanic Company is located across Old U. S. Highway 183 and there are several other types of commercial uses up and down the road. There is a canyon that follows the subject property which offers a natural buffer for the adjoining area when developed.

Mr. Hunter Schieffer was present on behalf of this request and stated that there is a high bluff line in this area and the lots along Rockcrest Drive are above the subject site and are to be developed with duplexes. This gives a complete protection for the area. The two lots adjoining both tracts under consideration to the east are proposed for duplex development as indicated by the staff report.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning for the large 6.75 acre tract located north of the proposed Wildridge Drive should be granted. They felt that the request on the smaller tract located south of Wildridge Drive should be denied, both being subject to review of an area study within 60 days.

C14-69-165 Northwest Austin, Inc.--contd.

At the Commission meeting, Mr. Lillie advised the members that the staff and Mr. Patterson, representing the applicants, have discussed the application and the recommendations by the staff for denial of the lot south of the proposed Wildridge Drive and a letter has been received requesting that the application be amended to request "A" Residence, First Height and Area on the single lot south of Wildridge Drive and "GR" General Retail, First Height and Area zoning on the area north of the proposed Wildridge Drive.

The Commission accepted the request to amend the application and was of the opinion that the request, as amended, should be granted as the appropriate zoning. It was then unanimously

VOTED: To recommend that the request of Northwest Austin, Inc. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area for the area north of the proposed Wildridge Drive and "A" Residence, First Height and Area (as amended) for the area south of the proposed Wildridge Drive for property located at 9201-9327 West Loop, 9135-9141 West Loop, 9123-9111 Wildridge Drive and 9110-9118 Wildridge Drive be GRANTED.

C14-69-166 Harold L. Bush: A to C  
908 Stobaugh Street

STAFF REPORT: The subject property contains an area of 48,547 square feet and the stated purpose of the request is to conform with the present usage in the area. Property adjoining to the east was considered for a change of zoning from "C" Commercial last month at which time the staff recommended that the request be granted for the area adjacent to Anderson Lane but that the two lots fronting onto Stobaugh Street be denied and retained as "A" Residence. The Planning Commission, however, recommended that "C" Commercial zoning be granted for all the property under consideration subject to provision for the widening of Anderson Lane and Stobaugh Street. The request will be before the City Council at the next regular meeting. Anderson Lane is classified as a major arterial street with 90 feet of right-of-way. Stobaugh Street with a present right-of-way of 50 feet is classified as a minor residential street that should be widened by 5 feet from the subject site if the request is granted. The staff recommends that the requested zoning be denied as an intrusion into an established single-family neighborhood with inadequate streets for high intensity of land use. If the request is granted, there is no proper termination for further "C" zoning applications.

## TESTIMONY

## WRITTEN COMMENT

## Code

Kelly E. McAdams: 1425 Preston Avenue  
B. E. Breeland: 919 Anderson Lane

FOR  
FOR

C14-69-166 Harold L. Bush--contd.

## PERSONS APPEARING AT HEARING

Code

Harold Bush (applicant)

## SUMMARY OF TESTIMONY

Mr. Harold Bush appeared at the hearing and explained that he has operated a pest control business in his home for 23 years and the zoning to "C" Commercial is requested so that the operation can continue. "C" Commercial zoning has been requested on property adjoining to the east and the change would be a logical expansion. At the present time there are no plans to build any additional structures. There is no objection to dedicating five feet of right-of-way for the future widening of Stobaugh Street.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to five feet of right-of-way on Stobaugh Street, as a logical extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Harold L. Bush for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 908 Stobaugh be GRANTED, subject to five feet of right-of-way on Stobaugh Street.

C14-69-167 C. L. Reeves: BB, 1st to O, 1st  
Rear of 7012-7608 Balcones Trail

STAFF REPORT: This application covers approximately eight acres of undeveloped land and the stated purpose of the request is for office use. Land use to the west of Balcones Drive is undeveloped and is included for the most part within the Shadow Park Subdivision. To the east of Balcones Drive and Mo-Pac Railroad is Allandale Park Subdivision which is developed predominantly with single-family development.

The Shadow Park Subdivision was approved last year as an apartment-commercial subdivision, after a great deal of effort by the developer and the Planning Department to arrive at a street solution and a land use solution for the acreage. Approximately seven acres of land located along Greystone Drive within the subdivision was recently considered as a special permit for 156 units by the Commission and an apartment dwelling group is now under construction. The remainder of the subdivision was to be developed for the purposes of apartments and commercial use and was subsequently zoned for those purposes. "LR" Local Retail zoning was granted in 1968, on the four corners at the intersection of Greystone Drive and the proposed north-south collector street. "BB" Residence zoning adjoining the site to the east and also to the west was granted in 1968,

C14-69-167      C. L. Reeves--contd.

as it conformed with the subdivision as approved. A 4½ acre tract adjoining the site to the west was zoned "BB" Residence earlier this year along with a 23 acre tract located on the western portion of the Shadow Park Subdivision. Mo-Pac Boulevard is proposed to the east and the subject property will have approximately 1,000 to 1,200 feet of frontage. Far West Boulevard is classified as a major arterial street and Greystone Drive is proposed as a collector street which will extend from Mo-Pac Boulevard on the east to at least West Rim on the west. The "BB" Residence zoning for the Shadow Park Subdivision was granted by the City Council in December, 1968, and the staff feels that the zoning which was approved is the proper zoning for the site. If other uses were proposed, this should have been considered when the subdivision was filed and the subsequent zoning application considered. To zone the area "O" Office at this time as requested would be piece-meal zoning. Paralleling Far West Boulevard and some 200 feet to the north is the edge of the gravel pit in which there is approximately a 50 to 100 foot abrupt topographic change. The area to the south of the change in topography is proposed by the Northwest Hills Development group for shopping facilities. At the zoning hearing on the 23 acre tract, the Council indicated that they would be favorable to granting apartment zoning between Hart Lane and the proposed Mo-Pac Boulevard.

In addition, the applicant has misfiled the application as he intended to file for "O" Office, Third Height and Area and to zone the property at this time would require another application. The staff recommends that the application be withdrawn or refiled as intended for "O" Office, Third Height and Area or that the application as requested be denied as the existing zoning on the site is proper.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

Bryan Schuller (representing applicant)  
Wayne Burns (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Bryan Schuller, representing the applicant, explained that Far West Boulevard and Mo-Pac Boulevard will be two of the major streets in the area. The subject property fronts onto the proposed Mo-Pac Boulevard and is adjacent to "LR" Local Retail zoning immediately to the north. It is felt that a good progression from zoning from the major thoroughfares such as Mo-Pac Boulevard would be taking place if the property was zoned "O" Office. The "BB" zoning immediately to the west is high density zoning and "O" Office would serve as a buffer area between the apartments and Mo-Pac Boulevard which will have a tremendous amount of traffic in the future. The subject property more or

C14-69-167 C. L. Reeves--contd.

less begins at Mo-Pac and gradually rises in elevation to the west. If a request for "O" Office, Third Height and Area zoning was made for the site it would not interfere in anyway with the property adjacent to the west. This property was zoned "BB" Residence in December, 1968, possibly with the idea of office or local retail use along Mo-Pac Boulevard. The "LR" Local Retail district has been established and the requested zoning would be appropriate. It is requested that the application be granted so that the applicant can plan the area in its entirety. Planning an area such as this cannot be done if broken up and zoned piece by piece. There is additional "LR" Local Retail zoning to the north along Mo-Pac Boulevard and to the south there are several commercial areas. The applicant feels that the requested zoning is appropriate for the site. Since the property is in a low area and the ground does not rise in elevation to the west, the request for "O" Office, Third Height and Area would not be out of order.

Mr. Taniguchi stated that if the area is to be planned as a whole area, it may be wiser to determine the end zoning on the site so that it can be incorporated in the overall planning.

Mr. Wayne Burns advised the Committee that he is involved in this application and when they first applied for the "BB" Residence zoning which was granted, Mr. Osborne, Director of Planning, suggested study of the idea of putting offices in this location. He mentioned that the traffic conditions along Lamar Boulevard are crowded because of the IBM Plant and the proposed Texas Instrument Building which will soon be under construction and felt that this would be a beautiful place for office buildings and indicated that he would support it.

Mr. Burns explained that they have not had any experience building office buildings and did not know anything about the marketing aspect but research was carried out to determine whether or not there was a use in this location for offices. There has been a considerable degree of research on this matter and it can be stated that there is a substantial need in the area for three separate complexes two stories in height. The market has been discussed with people who know about things of this nature and it has been suggested that a larger office building of perhaps 7 or 8 stories would be proper for this particular piece of property; however, at the present time they are in a position to go ahead with their plans on a two story basis which will fulfill the economics that are necessary in the planning. Later, if it is felt that there is a need to go higher, a new application will be made for "O" Office, Third Height and Area zoning. There are definite plans at this time to build three 2 story buildings on the site and not apartments. It is requested that the zoning be restricted to the same density so far as apartment development is concerned as is now present on the property in that the change is not requested for higher density for apartments.

No one appeared in opposition to the request.

C14-69-167 C. L. Reeves--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the site has frontage onto a major thoroughfare and the proposed use would be appropriate.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of C. L. Reeves for a change of zoning from "BB" Residence, First Height and Area to "O" Office, First Height and Area for property located at the rear of 7012-7608 Balcones Trail be GRANTED.

DISQUALIFIED: Mr. Reeves

C14-69-168 Jim Novy: A, 1st to B, 2nd  
5403-5415 Duval Street  
501-503 East 55th Street

STAFF REPORT: This application covers 6 lots totaling 40,425 square feet and the stated purpose of the request is for apartment development. The land use in the immediate area is predominantly single-family. There is "LR" Local Retail zoning to the south at the intersection of Duval and East 53rd Street and also at the intersection of Duval and Avenue H. To the east, south of East 54th Street, there is "C" Commercial zoning. Duval Street is classified as a Major Arterial Street and 55th Street is classified as a minor residential street. Both streets have 50 feet of right-of-way. The staff recommends that the request be denied as an intrusion into a well-established residential area and if a change is to occur in this neighborhood, zoning consideration should be on a more comprehensive basis rather than piece-meal. If the request is granted, 10 feet of right-of-way and a 5 foot sidewalk and utility easement would be required on Duval Street plus 5 feet of right-of-way for East 55th Street.

## TESTIMONY

## WRITTEN COMMENT

Larry Nieman: 505 International Life Building	FOR
Troy D. Harris: 125 Maple Valley Dr., San Antonio	FOR
Roane Puett: 1422 Ridgemont Drive	FOR
A. L. Elam: 5314 Duval	AGAINST
William Henderson: 5414 Avenue H	FOR
Helen Pearson Estates: P. O. Box 1987	FOR
Truman H. Montandon	FOR

## PERSONS APPEARING AT HEARING

None

C14-69-168 Jim Novy--contd.

## SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a well-established residential area with inadequate streets.

A majority of the Commission concurred with the Committee recommendation, and

VOTED: To recommend that the request of Jim Novy for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 5403-5415 Duval Street and 501-503 East 55th Street be DENIED.

AYE: Messrs. Kinser, Reeves, Anderson, Crier, Milstead, Taniguchi & Kinnan  
 NAY: Mr. Hanks  
 ABSENT: None

C14-69-169 Theo P. Meyer, Jr.: A to O  
 909-911 West 29th Street  
 2845-2847 San Gabriel Street

STAFF REPORT: This application covers 15,436 square feet of land and the stated purpose of the request is for an office use. The land use in the area is predominantly single-family with scattered duplexes. There are non-residential uses at the intersection of San Gabriel and West 29th Streets including Bill Gaston Boats and Motors, a hobby shop, and several sales offices. There are also non-residential uses established to the east extending from San Gabriel to West 29th Street including a restaurant, grocery store and cleaners. The zoning is predominantly "A" Residential to the south of West 29th Street. To the north is "BB" Residence zoning which was established as a result of an area study some years ago; however, many of the properties are still developed with single-family uses. At the corner of San Gabriel and West 29th Streets is "GR" General Retail and "BB" Residence zoning. "O" Office zoning was granted on property at the intersection of West 29th Street and Shoal Crest Avenue for a drive-in grocery but the property was subsequently acquired by the City of Austin for purposes of extending the 29th Street right-of-way to the west across Shoal Creek. West 29th Street is classified as a Major Arterial street and is proposed to be widened to 90 feet with all of the right-of-way to come from the south side of the street and would require approximately 35 feet from the site. If the requested zoning is granted, five feet of right-of-way would also be required for San Gabriel Street. The staff feels that the amount of right-of-way needed from the site for West 29th Street and San Gabriel Street could seriously effect the use of the property and because of this, it is recommended that the requested zoning be denied and that the property be acquired for the right-of-way of West 29th Street. The neighborhood is a well-defined residential area and the staff feels that the requested zoning would be an intrusion.

C14-69-169      Theo P. Meyer, Jr.--contd.

## TESTIMONY

## WRITTEN COMMENT

Miss Ann Fichtenbaum: 904 West 29th Street	FOR
William D. Gaston: 2508 Pecos	FOR
Mr. & Mrs. Ben A. Whitley	FOR
Hardy M. Smith: Box 913, North Pole, Alaska	FOR

## PERSONS APPEARING AT HEARING

Mrs. C. J. Almquist: 2842 San Gabriel	AGAINST
Mrs. C. M. Donoho: 2833 Shoal Crest Avenue	AGAINST
Mrs. Charlotte D. Jelks: 2837 Shoal Crest Avenue	AGAINST
Nettie Lee Benson: 2834 Shoal Crest Avenue	AGAINST
Amy Jo Long: 2831 Shoal Crest Avenue	AGAINST
Ollie Long: 2831 Shoal Crest Avenue	AGAINST
Theo P. Meyer, Jr. (applicant)	

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

The applicant was present at the hearing and called the staff's attention to the fact that the address of the subject property is incorrect and should be 2837 San Gabriel. The area north of West 29th Street is no longer "A" Residential. Directly across the street on the corner of Pearl and West 29th Street is a music business which has been established for a number of years. The area surrounding the subject site is to a great extent rental property and not owner-occupied. Directly across the street to the west is a two story apartment dwelling with parking in the rear. There are several commercial businesses established to the east along West 29th Street. There is an old house existing on the site and it is not economically feasible to improve it by virtue of its condition and changing neighborhood. If the site is rezoned, there is a prospective tenant who would like to have an architect engineering office on the site. Access would be primarily from San Gabriel in the rear which would be quite adequate. Any improvements made on the site would not be out of keeping with the neighborhood. The possibility of widening West 29th Street has been mentioned and if the City would like to acquire the area, there would be no objection to withdrawal of the application so that there can be negotiations with the City. If West 29th Street is widened as proposed and 35 feet of right-of-way is required from the site, the right-of-way would go through the existing house.

## Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and explained that the streets in the area do not take care of the traffic at the present time. A letter and chart were presented to the Committee showing how adjoining property would be effected if a structure is moved closer to the line.

C14-69-169      Theo P. Meyer, Jr.--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and noted that 35 feet of right-of-way is required for the widening of 29th Street which would result in a limited building site. In view of this, they recommended the application be referred to the full Commission pending further information. It was also recommended to the City Council that the total site be acquired for right-of-way purposes.

At the Commission meeting, Mr. Lillie explained that West 29th Street is scheduled to be widened which will require 35 feet from the subject site leaving a limited area for a building site because of the setback requirements. The applicant as well as the staff has checked with the Legal Department on the possibility of acquiring the right-of-way needed for West 29th Street and the Legal Department has advised that the City does not have the funds to acquire the property at the present time. In view of this, the staff recommends that the zoning as presented be considered.

Mr. Hanks stated that in his opinion the Commission should impose a strong emphasis on the City to purchase the right-of-way needed. He said that he feels the Commission would be derelict if the change was granted and the property developed without strongly recommending that the right-of-way be purchased. Mr. Hanks asked if the applicant could be required to set the structure back so that when the right-of-way is needed, it would not damage the structure.

Mr. Lillie explained that the setback could be controlled if the existing structure was torn down and a new one built. The applicant could be required to setback from the proposed right-of-way line of West 29th Street but this would leave an area of approximately 40 by 40 feet for a building site which would be impractical.

The Commission members were cognizant of the right-of-way needed for West 29th Street; however, they felt that the requested zoning is proper and suitable for the site and recommended that the request be granted. It was further recommended to the City Council that the property under consideration be acquired for right-of-way purposes. It was then unanimously

VOTED:      To recommend that the request of Theo P. Meyer, Jr. for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 909-911 West 29th Street and 2845-2847 San Gabriel Street be GRANTED.

C14-69-170      Edward Joseph: C to C-2  
5413-5415 North Lamar Boulevard

STAFF REPORT: The subject property consists of 6,996 square feet of land which is presently developed with a warehouse. The purpose of the request is for the storage of liquor. The land use along North Lamar Boulevard is totally non-residential with some vacant tracts scattered throughout. Approximately 150 feet to the east of Lamar Boulevard is a single-family residential area which has had several rezoning requests in the past few years to "BB" and "B"

C14-69-170 Edward Joseph--contd.

Residence on individual tracts. The area to the west of Lamar Boulevard was predominantly residential.

In the city's right-of-way policy when there is a change in the intensity of land use, such as change from "A" Residence to "C" Commercial, dedication of right-of-way is required when needed in order to bring the streets to standard to handle the increased traffic. In cases where there is not an increase in the intensity of use the right-of-way is not required. In this particular case, Lamar Boulevard, classified as a major arterial street in the Master Plan, is proposed to be widened which would effect 20 feet of the subject tract; however, in view of the fact that the intensity of the use would not change if the request is granted, the staff's recommendation is to grant the request and to recommend to the City Council the acquisition of the needed right-of-way.

## TESTIMONY

## WRITTEN COMMENT

Code

Isla W. Hughes: 5406 North Lamar Boulevard

AGAINST

## PERSONS APPEARING AT HEARING

Code

None

## SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the appropriate zoning for the site. They recognized that 20 feet of right-of-way is needed for Lamar Boulevard and further recommended to the City Council that this right-of-way be acquired.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Edward Joseph for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 5413-5415 North Lamar Boulevard be GRANTED.

C14-69-171 Sidney E. Tetens: A to B  
809-901 West 37th Street

STAFF REPORT: This application covers two lots totaling 12,200 square feet and the stated purpose of the request is to provide parking for the adjoining restaurant. There is a mixed zoning pattern in the area consisting of "C" Commercial, "LR" Local Retail, "GR" General Retail, and "O" Office. The Seton

C14-69-171 Sidney E. Tetens--contd.

Hospital complex which is predominantly zoned "O" Office is located west of Lamar Boulevard and Wabash Avenue. "O" Office zoning was requested on property to the south along Owens Avenue in 1968, which is still pending. West 37th Street is classified as a minor residential street with 50 feet of right-of-way. The staff recommends that the requested zoning be granted, subject to 5 feet of widening for West 37th Street, as it conforms with the changing character of the area.

TESTIMONY

WRITTEN COMMENT

Code

Mrs. Gus Winke: 907 West 37th Street

FOR

PERSONS APPEARING AT HEARING

Code

Ed Zimmerman (representing applicant)

SUMMARY OF TESTIMONY

Mr. Ed Zimmerman, representing the applicant, stated that the five feet of right-of-way would be acceptable.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted subject to five feet of right-of-way on West 37th Street, as a logical extension of existing zoning and development.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Sidney E. Tetens for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 809-901 West 37th Street be GRANTED, subject to five feet of right-of-way for West 37th Street.

C14-69-172 Mrs. Josephine Darrouzet: A, 1st and C, 2nd to C, 2nd  
2623-2801 South Congress Avenue

STAFF REPORT: The property under consideration covers approximately 10 acres of land and the stated purpose of the request is for commercial development. There is "C" Commercial and "A" Residence zoning to the north of the site and "A" Residence zoning to the south and east. The area along South Congress Avenue to the west is zoned "C" Commercial, Second Height and Area. The area to the east adjoining the subject site is developed with single-family homes. The proposed St. Edwards Drive adjoins the site to the south. South Congress Avenue, classified as a major arterial street has an existing right-of-way of

C14-69-172 Mrs. Josephine Darrouzet--contd.

100 feet. The staff recommends that the request to "C" Commercial, Second Height and Area zoning be granted for the site with the exception of the easterly 60 feet which should be zoned "C" Commercial, First Height and Area in order to protect the adjoining residential neighborhood. It is further recommended that a 25 foot building setback and a 6 foot privacy fence be established along the east property line and that the granting of the request also be subject to provision for the extension of St. Edwards Drive as it effects the subject tract. The staff does not know the exact location of St. Edwards Drive but if the subject property is effected, the granting of the request should be conditioned on the provision for the extension of the street.

TESTIMONY

WRITTEN COMMENT

Code

E. & M. Corporation: Route 6, Box 78DD, Austin FOR

PERSONS APPEARING AT HEARING

Code

J. P. Darrouzet (representing applicant)  
Arnold Ortegon: 2708 Carnarvon Lane AGAINST  
Robert Kerr Wall: 2706 Carnarvon Lane AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

J. P. Darrouzet, representing the applicant, stated that it is his understanding that St. Edwards Drive is located entirely to the south of the property under consideration. When it was proposed, the people who own the subdivision acquired 60 feet from St. Edwards University and agreed to pay half of the cost for putting in the streets with St. Edwards University paying the other half. If it is determined that the street is not located on the property to the south, there will be no objection to providing for the extension. St. Edwards University is established on property to the southeast. The staff recommended that the eastern 60 feet be zoned "C" Commercial, First Height and Area but it should be pointed out that the land gradually rises from Carnarvon Lane to the west of the property line of the residential property and then the subject property rises very rapidly. Twenty feet from that line to the west the property rises almost 15 to 20 feet high so that it is a natural barrier nearly all the way across the property line from the south to the north.

Arguments Presented AGAINST:

Mr. Robert Wall appeared at the hearing and stated that he owns one of the residential lots backing up to the subject site. He explained that the topographic increase on the property is not on the subject property but is actually on the residential property. The residential property is terraced but the property extending westward to South Congress Avenue is flat. There is no

C14-69-172 Mrs. Josephine Darrouzet--contd.

sharp rise on the subject property. There have been several apartment projects built within the area and there is no need for additional apartment units.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested "C" Commercial, Second Height and Area zoning should be granted for the site with the exception of the east 60 feet which should be granted "C" Commercial, First Height and Area, subject to a 25 foot building setback line from the east property line and provision for extension of St. Edwards Drive as it effects the subject tract.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Josephine Darrouzet for a change of zoning from "A" Residence, First Height and Area and "C" Commercial, Second Height and Area to "C" Commercial, Second Height and Area for property located at 2623-2801 South Congress Avenue be GRANTED for the site with the exception of the east 60 feet which should be GRANTED "C" Commercial, First Height and Area subject to a 25 foot building setback line from the east property line and provision for extension of St. Edwards Drive as it effects the subject tract.

C14-69-173 Randolph A. Haynes, Jr.: B to LR  
2506 Mission Hill Drive  
3416-3500 Burleson Road

STAFF REPORT: The subject property contains an area of 8,148 square feet which is presently undeveloped. The stated purpose of the request is for a drive-in grocery, barber shop, beauty parlor and washateria. A request from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, Sixth Height and Area zoning was granted in 1968, on property to the southwest along Ben White Boulevard. In 1968, "B" Residence, First Height and Area zoning was granted on property adjoining the site to the west and "B" Residence and "LR" Local Retail zoning was granted on property south of Mission Hills Drive. The staff recommends that the requested zoning be granted as it conforms with the adjacent zoning within the Mission Hills Subdivision.

TESTIMONY

WRITTEN COMMENT  
Code

None

C14-69-173      Randolph A. Haynes, Jr.---contd.

PERSONS APPEARING AT HEARING

Code

Gene Burchard (representing applicant)

R. A. Haynes, Jr.: 1300 Newning #210

FOR

SUMMARY OF TESTIMONY

Mr. Gene Burchard, representing the applicant, stated that the property adjoining to the west has been zoned "B" Residence, First Height and Area and it is the desire of the applicant to develop apartment units. There is duplex or apartment development to the west along Mission Hills Drive and "LR" Local Retail zoning is established immediately across from the site. To the south of the intersection of Ben White Boulevard and Burleson Road is Interim "A" Residence zoning but the area is developed with a service station. It is felt that the zoning as requested is proper and would be an asset and that the site is located at the intersection of what will be a major interchange at Pleasant Valley Road.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as a logical extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Randolph A. Haynes, Jr. for a change of zoning from "B" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 2506 Mission Hill Drive and 3416-3500 Burleson Road be GRANTED.

C14-69-174      Emilia Lara & Fredy Lara: A to B  
1505 West North Loop Boulevard

STAFF REPORT: The subject property contains an area of 12,740 square feet and the stated purpose of the request is for apartment development. The zoning pattern in the area is mixed consisting of "LR" Local Retail zoning in the area to the west and north; "B" and "A" Residence to the east and "BB" Residence, "A" Residence and "LR" Local Retail to the south. North Loop Boulevard is classified as a major arterial street. The existing right-of-way is 50 feet. The proposed right-of-way is 80 feet which would require 15 feet from the subject site. The staff recommends that the request be granted, subject to provision for the widening of North Loop Boulevard, as it conforms with the existing zoning and development in the area.

C14-69-174      Emilia Lara & Fredy Lara--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Henry de Keratry (representing applicant)

SUMMARY OF TESTIMONY

Mr. Henry de Keratry, representing the applicant, stated they have agreed to 15 feet of right-of-way which is needed for the future widening of North Loop Boulevard.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning would be a logical extension of existing zoning and development and recommended that the request be granted, subject to 15 feet of right-of-way on North Loop Boulevard.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Emilia Lara & Fredy Lara for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1505 West North Loop Boulevard be GRANTED, subject to five feet of right-of-way for North Loop Boulevard.

C14-69-175      Clinton J. Willman: B to LR  
105 West 20th Street

STAFF REPORT: This application covers a small area consisting of 3,220 square feet. The stated purpose of the request is for continuing the present cafe operation and opening a book store. The University of Texas has acquired approximately four blocks of area immediately to the east of the alley bounding the subject property and is now using it for off-street parking for campus purposes. At the corner of University Avenue and West 19th Street is a large church. To the north of West 21st Street is the main campus of the University of Texas, and south of West 21st Street and along Guadalupe Street and 19th Street is "C" Commercial zoning. A high rise apartment complex is under construction in a block to the northwest bounded by West 20th and West 21st Street fronting onto Guadalupe Street. There are to be three floors on the base of the structure for non-residential uses and a parking garage. Within the area off of the major streets there are apartment uses, dormitories, rooming houses, sororities and fraternities, a small student residential neighborhood.

C14-69-175 Clinton J. Willman--contd.

The subject property has been used for a number of years as a rooming house and in connection with that use there has been the serving of food to the people living in the structure. In the recent past, the front of the structure has been remodeled and the first floor of the structure has been converted into a cafe while still catering to roomers. The cafe is likely in violation of the Zoning Ordinance. The roomers are on the second and third floors of the structure. The requested zoning is now made so that a bookstore can be operated in the basement floor. There is no off street parking provided on the site. The staff recommends against the requested zoning as it would introduce non-residential zoning into what is a very high density residential area and would be inappropriate; however, there would not be any objection to "O" Office zoning which would permit the proposed bookstore.

## TESTIMONY

## WRITTEN COMMENT

## Code

Emilie Limberg: 2000 University Avenue	FOR
H. C. Barnhart, Jr.: 707 Rio Grande	FOR

## PERSONS APPEARING AT HEARING

## Code

Phil Mockford (representing applicant)	
Mrs. Sam A. Wilson: Board Kappa Kappa Gamma, 2001 University	AGAINST
Mrs. Mac Vmstattd: Kappa Kappa Gamma, 2001 University	AGAINST
Mrs. Harry Peterson: Kappa Kappa Gamma, 2001 University	AGAINST
Mrs. H. W. Netherton, Jr.: President, Kappa Kappa Gamma, 2001 University	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Phil Mockford, representing the applicant, explained that Mr. Willman runs a rooming and boarding house on the subject site. The building is a three level structure and the lower level is above the ground level. There is a commitment from a party to lease a portion of the structure for a bookstore operation. This is all that he wants and if the bookstore can be operated under "O" Office zoning it is requested that the application be amended.

Mr. Mockford stated that he wrote to everybody on the City's mailing list telling them what the intentions are for the site and the reason for the zoning. He said that he has only heard from a few of the people in the area who have not objected to it. Mr. Mockford further explained that he has talked to one of the ladies from the sorority on the adjoining property and they do not want any intoxicating beverages sold on the site and

C14-69-175 Clinton J. Willman--contd.

the applicant is willing to restrict his property from that use. The subject property contains such a small area that a new structure will probably never be built and the existing use will not change. The bookstore operation should not be offensive to anyone. The site abuts an alley so that there is no structure immediately to the east and is surrounded by University of Texas property. This is an ideal location as far as access to the University students is concerned and the applicant feels that the proposed use will be of benefit to the neighborhood. In answer to objections stated, Mr. Mockford indicated that the type of operation planned by the applicant and the proposed tenant will be nothing in the area of pornographic type material.

Arguments Presented AGAINST:

A representative of Kappa Kappa Gamma Sorority, established on the property directly across the street, appeared in opposition to the request. She stated that the customers of the applicant's business presently use their parking lot which is resented. They are opposed to the zoning change because of added parking problems and the possibility of beer being sold at a future date. There is also concern about the type of books that will be sold and there would be opposition to pornographic literature. University Avenue is still developed with some homes and student resident houses and there is no "LR" Local Retail zoning established, and to change the zoning would set a precedent. There is also concern about the safety of the girls walking across the parking lot which is used by people other than the girls in the sorority.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend this application to "O" Office, Second Height and Area and reviewed the information presented and concluded that the requested zoning should be granted (as amended).

At the Commission meeting, Mr. Kinnan informed the members that he has had some conversation and a letter with regard to this request and in his opinion if "O" Office or commercial type zoning is opened in the area, it will destroy the entrance to the University and one of the parkway streets left in town where there are churches, well-kept homes and student residences.

Mr. Lillie advised the Commission that a verbal request to amend the application to "O" Office zoning was made at the Zoning hearing but a letter formally amending the request has not been received.

After further discussion, the Commission was of the opinion that "LR" Local Retail or "O" Office zoning would be an intrusion into the area and would set a precedent for similar type zoning which would be undesirable in this location. It was then

VOTED: To recommend that the request of Clinton J. Willman for a change of zoning from "B" Residence, Second Height and Area to "LR" Local Retail, Second Height and Area for property located at 105 West 20th Street be DENIED.

C14-69-176 Miss Ada Nolen, Guardian: A to C  
4014 Medical Parkway

STAFF REPORT: The subject property contains 13,755 square feet which is developed with a single-family dwelling. The stated purpose of the application is for business development. There is mixed zoning in the area consisting of "A" Residence, "LR" Local Retail, "C-2" and "C" Commercial to the north; "A" and "B" Residence and "C" Commercial and "LR" Local Retail to the south and to the east of Marathon Boulevard there is "O" Office zoning with "C" Commercial zoning established along Lamar Boulevard. A change of zoning to "B" Residence, Second Height and Area and "C" Commercial, First Height and Area has been granted on property to the south along West 40th Street but the Ordinance is pending because of right-of-way. Medical Parkway is classified as a Major Arterial street with an existing right-of-way of 60 feet. The staff recommends that the requested zoning be denied as it is too intensive for the area; however, it is recommended that "LR" Local Retail, First Height and Area zoning be granted, subject to five feet of right-of-way and a five foot sidewalk and utility easement for Medical Parkway as it conforms to the existing zoning and development in the area.

#### TESTIMONY

#### WRITTEN COMMENT

Horace L. Silberstein: 2610 Cascade Drive

FOR

#### PERSONS APPEARING AT HEARING

None

#### SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they recommended that "LR" Local Retail, First Height and Area zoning be granted, subject to five feet of right-of-way and a five foot sidewalk and utility easement on Medical Parkway, as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Miss Ada Nolen, Guardian for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 4014 Medical Parkway be DENIED but that "LR" Local Retail, First Height and Area be GRANTED subject to 5 feet of right-of-way and a 5 foot sidewalk and utility easement on Medical Parkway.

C14-69-177      Odas Jung: A to LR  
 5601-5613 South First Street  
 603-611 Stassney Lane

STAFF REPORT: The subject property contains an area of 1.08 acres which is presently undeveloped. The stated purpose of the request is for building a U-Tot-Em Drive-in Grocery. Interim "A" Residence, and "A" Residence, First Height and Area surrounds the subject property. "GR" General Retail zoning was requested on property directly across from the site north of Stassney Lane and also west of South First Street earlier this year, both of which are still pending. Stassney Lane, with a present right-of-way of 60 feet and South First Street, with a present right-of-way of 80 feet, are both classified as major arterial streets. The staff recommends that the requested zoning be granted, subject to right-of-way for Stassney Lane to be determined by Public Works Department, as the site is located at the intersection of two major arterial streets which is a desirable location for this type of zoning.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

Joe Jung (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Joe Jung appeared on behalf of this request and explained that they plan to put a U-Tot-Em, barber shop and beauty shop at this location. He said that they would be willing to give a letter agreeing to right-of-way which is needed for the widening for Stassney Lane as they understood when they acquired the subject property that the street was to be widened and one of the reasons it was purchased was because of the location of the intersection of two major streets.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and recognized that the subject property is located at the intersection of two major arterial streets. They recommended that the request be granted as it is appropriate zoning at this location and would allow for the highest and best use of the site, subject to right-of-way on Stassney Lane to be determined by the staff.

C14-69-177 Odas Jung--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Odas Jung for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 5601-5613 South First Street and 603-611 Stassney Lane be GRANTED, subject to the necessary right-of-way for the future widening of Stassney Lane.

C14-69-178 Mrs. J. Walter Pierce: A to B  
1901 West 40th Street  
3904-3906 Oakmont Drive

STAFF REPORT: The subject property contains 7,000 square feet of land and is presently developed with a single-family dwelling. The stated purpose of the request is for apartment development. The entire area between Jackson Avenue and Bull Creek Road is zoned "A" Residence, First Height and Area and developed with single-family and two-family structures. Oakmont Drive and West 40th Street are classified as minor residential streets. The staff feels that the zoning as requested should be denied as an intrusion into a well-established residential area and the streets are inadequate for high intensity of land use. If the request is granted, five feet of right-of-way would be needed for West 40th Street. It should be pointed out that under the "B" Residence District in the Zoning Ordinance, a minimum lot area of 6,000 square feet is needed for the development of three or more apartments. The existing site has 7,000 square feet which is required for duplex development and if the change is granted, seven one-bedroom units could be built on the site.

TESTIMONY

WRITTEN COMMENT

Mr. & Mrs. J. D. Culley: 3904 Bull Creek Rd.	AGAINST
O. T. Martin, Jr.: 1919 W. 38th Street	AGAINST
Capt. Charles Oglesby: 1907 West 40th Street	AGAINST
Werner A. Land: 1905 West 40th Street	AGAINST
James K. Oliver: 1909 West 40th Street	AGAINST
Wayne O. Edwards: 1908 West 40th Street	AGAINST

PERSONS APPEARING AT HEARING

Mrs. J. Walter Pierce (applicant)	
Mrs. Werner A. Land: 1905 West 40th Street	AGAINST
Mrs. W. O. Cromwell: 1904 West 40th Street	AGAINST
Mrs. J. K. Oliver: 1909 West 40th Street	AGAINST

C14-69-178 Mrs. J. Walter Pierce--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and explained that she recently became the owner of the subject property. There is a duplex located on the property and the zoning is requested so that a small unit can be added to the back of the lot. It is a corner lot and the existing units are very small so there is sufficient area in the rear to add a large room with a kitchenette for her own quarters. She stated that an additional unit is needed in order to supplement her income. An architect drew the plans and a builder was to start construction but the City turned the permit down. There are duplexes and apartments throughout the area and townhouses on 35th Street. The new unit will not be a garage apartment.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that the applicant talked to several of the people in the neighborhood and at first there was no objection to the plans for the property; however, it was found that if the zoning change is granted, a precedent will be set for apartment development which would intrude into the existing residential area. The new structure will amount to a garage apartment and there is nothing of this nature in the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a well-established residential area with inadequate streets.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. J. Walter Pierce for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1901 West 40th Street and 3904-3906 Oakmont Boulevard be DENIED.

C14-69-179 E. A. Voight & Cora Voight: A, 1st to C, 2nd  
 1213-1217 Comal Street  
 1501 East 13th Street (Peach Street)

STAFF REPORT: This is a request for "C" Commercial, Second Height and Area zoning on a 7,400 square foot lot located at the intersection of East 13th and Comal Streets. The stated purpose of the request is for an automotive mechanics garage. The area to the south along East 12th Street is zoned "C" Commercial, Second Height and Area and is developed with single-family, two-family and commercial uses. To the south of East 12th Street is an area which is within the Kealing Urban Renewal Plan and the land uses within the project are predominantly single-family uses. A rent supplement apartment

C14-69-179 E. A. Voight & Cora Voight--contd.

development has been constructed just west of Comal Street on 12th Street. The area will be zoned and has been approved by the City Council to "A" Residence for the purpose of single-family and two-family development. The area to the north, paralleling East 12th Street is predominantly single-family with a few scattered non-residential uses. To the east is a grocery store and across the street from the subject tract is a lot which was zoned "C" Commercial a number of years ago for the purpose of a garage. There is a beauty shop existing two blocks east on East 13th Street. The Expressway and Major Arterial Plan includes an expressway right-of-way in this area at about the location of East 13th Street. There is no timing or priority at the present time for this Expressway. It is felt that the alley which is parallel to East 12th Street on the north is a proper zoning boundary between commercial and residential uses and the staff recommends that the request be denied as an intrusion into an established residential area. If the request is granted, five feet of right-of-way would be needed for future widening of East 13th Street.

#### TESTIMONY

##### WRITTEN COMMENT

Aron McWallace: 1601 East 13th Street	AGAINST
Mrs. Louise J. Lott: 1405 13th Street	AGAINST
Vivian A. Truitt: 3726 Mt. Vernon Drive	AGAINST
Mrs. Cora E. Hamilton: 1515 East 13th Street	AGAINST
Livada Gooden: 1315 Comal	AGAINST
Mr. & Mrs. John Dale Gilbert	AGAINST
Georgia D. Sorrells: 1310 Comal	AGAINST
Birdie Mae Edwards: 1313 Comal	AGAINST
Mrs. Tommy Johns: 1506 East 13th Street	AGAINST
Mrs. Rachel James: 1600 East 13th Street	AGAINST
Fannie Gay Simmons: 1505 East 14th Street	AGAINST
Mrs. Maude Wilson: 1505 East 13th Street	AGAINST

##### PERSONS APPEARING AT HEARING

Truman H. Montandon (representing applicant)	
Mrs. Martha G. Yarrington: 1511 West 31st Street	FOR
Mrs. Rachel James: 1600 East 13th Street	AGAINST
W. L. Morris: 1504 East 13th Street	AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Truman Montandon, representing the applicant, advised the Committee that Mr. Voight has owned and operated a grocery store at this location for 22 years. There is a red brick commercial building on the property which was built 90 years ago as a grocery store and has operated in that capacity since that time. There is a tavern in back of the property and a garage across the street. The applicant added to the existing structure room by room and

C14-69-179      E. A. Voight & Cora Voight--contd.

anything would be an advantage to what is there now. The people who want to purchase the property want an enclosed type mechanic garage. In view of the fact that the site has been used for a grocery store for many years and is located on Comal Street which is a very wide street and East 13th Street which was just paved, it would be the ideal location for the proposed type of uses.

Arguments Presented AGAINST:

Mr. W. L. Morse appeared at the hearing and presented a list of the people opposing the request. He stated that he lives across the street from the subject property and the structure on the site has been there for many years and it is a detriment to the neighborhood. Through the efforts of the people along East 13th Street the street was recently paved and the applicant was the only one who opposed the paving. The people in the area have worked hard to make the block a decent place to live but there has not been anything done to improve the subject site. There is a garage existing in the area at the present time and it is very difficult to go down the street because of the cars parked on both sides. This is an "A" Residential neighborhood and the people do not want a garage to detract from the appearance of the neighborhood. If the request is denied so that the area can be maintained, it will help keep Urban Renewal off this side of town.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a predominantly residential area on a street with inadequate right-of-way.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of E. A. Voight and Cora Voight for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Second Height and Area for property located at 1213-1217 Comal Street and 1501 East 13th Street (Peach Street) be DENIED.

C14-69-180      Rogan Giles, Trustee: B to C  
502 Oakland Avenue

C14-69-181      Martin Legett: B to C  
500 Oakland Avenue  
1406-1410 West 5th Street

STAFF REPORT: These applications for "C" Commercial, Second Height and Area zoning are made by two separate property owners on two adjoining lots. The stated purpose of the applications are for construction of store buildings. Case C14-69-180 contains an area of 6,800 square feet and application C14-69-181 contains an area of 6,732 square feet. Land use in the area is mixed consisting of predominantly "A" Residential to the north; "C" Commercial and "B" Residence to the west; "A" Residence, "C" Commercial and "LR" Local Retail to the east and "D" Industrial to the south of West 5th Street. Oakland

C14-69-180 Rogan Giles, Trustee--contd.  
C14-69-181 Martin Legett--contd.

Avenue has 50 feet of right-of-way and West 5th Street has 70 feet of right-of-way. The area between 5th and 6th Streets is designated as a Semi-Industrial Area in the Master Plan. The staff recommends that the request be granted, subject to five feet of right-of-way for the future widening of Oakland Avenue, as it conforms to the changing character of the area.

## TESTIMONY

## WRITTEN COMMENT

Mrs. Sophia Domschke: 1403 West 6th Street	AGAINST
Johanna Matthiesen: 1403 West 6th Street	AGAINST
Mrs. Helena Hardcastel: 932 Littlefield Bldg.	FOR
Romeo R. Hernandez: 2050 West 144th Street Gardena, California	FOR
G. L. Anderson: 3004 Cedarview Drive	FOR
Mrs. Hulda A. Johnson: 321 Queen Anne Court San Antonio, Texas	FOR
Capitol Chevrolet: P. O. Box 1988	FOR

## PERSONS APPEARING AT HEARING

Tom Wiley (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Tom Wiley, representing both the applicants, explained that the construction and improvements will face on West 5th Street when it is developed. The type of construction and the use contemplated at the present time is for a commercial printer similar to an operation which exists to the east. As for building setback and parking, the major portion of improvements will be at 502 Oakland Avenue in order to provide the necessary parking facilities. He said that he is not prepared at this time to offer the right-of-way but will contact the applicant if the zoning change is made subject to right-of-way. The property owners in the area have recently recognized the trend and change in the area so they have removed deed restrictions.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

C14-69-180 Rogan Giles, Trustee

The Committee reviewed the information and concluded that this request should be granted, subject to 5 feet of right-of-way on Oakland Avenue, as the appropriate zoning for the site.

C14-69-180 Rogan Giles, Trustee--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Rogan Giles, Trustee for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 502 Oakland Avenue be GRANTED, subject to 5 feet of right-of-way for Oakland Avenue.

C14-69-181 Martin Legett--contd.

The Committee reviewed the information and concluded that this request should be granted, subject to 5 feet of right-of-way on Oakland Avenue, as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Martin Legett for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 500 Oakland Avenue and 1406-1410 West 5th Street be GRANTED, subject to 5 feet of right-of-way for Oakland Avenue.

C14-69-182 Omega Investment Company: A to LR  
 604-614 Deen Avenue  
 8801-8811 North Lamar Boulevard

STAFF REPORT: This is a request for "LR" Local Retail zoning on property containing .71 acres. The stated purpose of the request is for uses consistent with the requested zoning. Land use in the area includes predominantly non-residential uses fronting along Lamar Boulevard north and south generally to the east of Lamar Boulevard. Very few uses have been developed on the west side of Lamar Boulevard other than a service station at the intersection of Fairfield Drive and also Peyton Gin Road. The area directly across Lamar Boulevard is zoned "GR" General Retail and the zoning along Lamar Boulevard on the east is "C" Commercial. The interior of the neighborhood, which is east of the "C" Commercial zoning, is residential in character on unusually shaped lots. Many are very deep and very narrow but do have single-family structures on them. To the north of the creek is new single-family development. The staff feels that "LR" Local Retail zoning, as requested, could be supported on the corner lot at the intersection of Lamar Boulevard and Deen Avenue but it is recommended that the interior three lots be denied as the request would be an intrusion into the single-family area on a street with only 40 to 45 feet of right-of-way. If the Committee feels that the zoning is proper, the right-of-way of Deen Street should be made adequate.

## TESTIMONY

## WRITTEN COMMENT

Nelson Puett: 5425 Burnet Road

FOR

C14-69-182      Omega Investment Company--contd.

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicants, stated that the Old Dallas Highway and Lamar Boulevard area has changed tremendously in the last few years and the predominant zoning and use is commercial. At present commercial zoning in this area dates back many years. Property fronting onto Lamar Boulevard should be some type of retail or commercial use. The area on the other side of Little Walnut Creek is developed with a sheet metal shop which is adjoined by other commercial uses. To the south of Deen Avenue is a roofing company and similar type uses. The "C" Commercial area to the south is established to approximately the same depth as is requested on the subject property. The continuation of the "C" Commercial zoning was granted on property extending further back than the subject site along West Elliot Street several months ago. The applicants will dedicate the right-of-way needed for widening of Deen Avenue when the amount is determined and in addition will agree to divide the tracts on the remaining area. There are old structures established on the site and there are new F.H.A. homes to the east. It is felt that the requested zoning is a logical continuation of the zoning which has been present in the area for many years. Mr. Selman further stated that the plans for the property are not definite but the possibility of trailer housing is being considered.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request is appropriate and should be granted, subject to up to 10 feet of right-of-way on Deen Street and a 6 foot solid fence on the east property line, in that the pattern of the depth of commercial zoning has been established to the north and south.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Omega Investment Company for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 604-614 Deen Avenue and 8801-8811 North Lamar Boulevard be GRANTED, subject to up to 10 feet of right-of-way for Deen Street and a six foot solid fence along the east property line.

C14-69-183      Arrow Builders, Inc.: A to BB  
 1000-1010 Center Street  
 3614-3618 Garden Villa Lane

STAFF REPORT: This application covers .92 acres of land which is presently undeveloped. The stated purpose of the request is for residential apartments. The surrounding area is zoned "A" Residence and is predominantly developed with single-family dwellings. Garden Villa Lane has 50 feet of right-of-way and Center Street has 40 feet of right-of-way. The staff recommends that the requested zoning be denied as an intrusion into a well-established single-family neighborhood with inadequate streets to serve higher density uses. If the request is granted, five feet of right-of-way is needed for Garden Villa Lane and 10 feet is needed for Center Street.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

John Selman (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicants, stated that the "BB" Residence zoning existing west of the railroad track was established as a result of several hearings on apartment zoning in that area. Center Street starting at the subject property to the west is unpaved. Considering the staff report, the area appears to be obviously an intrusion into an "A" Residential area but within five blocks of the subject property there is a legal trailer park and there are 27 respective house trailers on individual lots in this particular area. This is an area where there were low priced lots in which a great many are now being used for trailer houses. To the north in the vicinity of the three cul-de-sacs the applicants are building small houses. A great deal of the area is rental property as indicated by the trailer housing development, and the area is such that fourplexes on the site would not be detrimental and would blend into the area. The property would be good rental property because of the access of Ben White Boulevard. The applicants would be willing to give the necessary right-of-way for the widening of the streets.

Mr. Selman presented photographs of the area and stated that this is a neighborhood of some older homes and some new homes but the new homes are being constructed by the applicant.

No one appeared in opposition to the request.

C14-69-183      Arrow Builders, Inc.--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to 10 feet of right-of-way on Center Street and 5 feet of right-of-way on Garden Villa Lane, as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Arrow Builders, Inc. for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1000-1010 Center Street and 3614-3618 Garden Villa Lane be GRANTED, subject to 10 feet of right-of-way on Center Street and 5 feet of right-of-way on Garden Villa Lane.

C14-69-184      John P. Watson: A, 1st to B, 2nd  
708-716 Park Place

STAFF REPORT: This is a request for "B" Residence, Second Height and Area zoning on an area containing 27,500 square feet. The stated purpose of the request is for building an apartment house. Directly to the north of the site is Eastwood Park, a City of Austin development. Directly to the south is the unzoned campus area of the University of Texas. To the east and west there is single-family and duplex development with apartments scattered throughout. The area to the west from Harris Park Avenue is an area in which apartments have been building. The area to the east is holding its own as a single-family low density neighborhood. There is a zoning request pending on the northwest corner of Park Place and Red River Streets for the purpose of Hemphill's Bookstore, and also a request pending on Bellvue Place for "B" Residence, Second Height and Area which was recommended by the Planning Commission subject to right-of-way.

Park Place as it now stands is supposed to be widened to 120 feet for the proposed 26th Street Major Arterial Thoroughfare which will extend from Manor Road on the east to Guadalupe on the west and then to connect with 24th and 25th to continue west to Lamar Boulevard. In this particular location between San Jacinto Boulevard and Interstate 35, the right-of-way is proposed to be 120 feet, all of which will come off of the south side. The University of Texas has acquired all of the lots between the campus and Park Place and will, if they have not already done so, dedicate it to the City for the widening and improvement of West 26th Street.

Mr. Lillie explained that the design he has seen for the improvement of West 26th Street is for a four lane divided street with a median strip. The staff does not oppose "B" Residence zoning in this application as it is the proper zoning for the neighborhood inasmuch as it is in an area in which University housing demands must be met; however, there is some objection to the Second Height and Area portion of the request for several reasons. One is the shallowness of the site. On the east end it is only 74 feet deep and on the west end 147 feet which drops off rather sharply to Waller Creek. Waller Creek, in a

C14-69-184 John P. Watson--contd.

rainstorm, carries a great deal of water and it is felt that to approve "B" Residence, Second Height and Area zoning would be too intensive for the site with the topographic and the creek problems. An additional problem is the fact that the topographic fall would present a dangerous access problem to drivers from the apartments to the major arterial street. At this point traffic will be westbound only from any proposed development. To permit Second Height and Area zoning would permit a density which, it is felt is too great for the site. In view of this the staff recommends that "B" Residence, Second Height and Area zoning be denied but that "B" Residence, First Height and Area zoning be granted.

## TESTIMONY

## WRITTEN COMMENT

Henry T. & Frances P. Owen: 706 Park Place	AGAINST
Nelson Puett	FOR

## PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)	
Henry T. Owen: 706 Park Place	AGAINST
Mrs. J. Frank Dobie: 702 Park Place	AGAINST
Mrs. R. Kathleen Siermann: 612½ Park Place	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Robert Sneed, attorney for the applicant, advised the Committee that the property is under contract of sale subject to zoning to Mr. W. Nichols as Trustee for a group of his associates who would like to build upon the property. Mr. Sneed said that substantially the staff report reflects the general condition of the property and he would agree that were it not for the particular changes made by the University of Texas in connection with the general area that certainly the application for "B" Residence, Second Height and Area would not be a proper or judicious application; however, this is a different situation for a number of reasons. In front of the property is a tremendous right-of-way for West 26th Street which will be constructed with two 44 foot lanes on a right-of-way with 120 feet. It will be one of the major University of Texas arteries flowing in an east-west direction tying the campus together. It should be pointed out that generally the nature of density would normally be with open areas, green belts, etc. taking into consideration that in this situation there is a relatively narrow strip of land left and its surroundings should be considered. There is publicly owned land on three sides of the property in that the City of Austin Eastwood Park is to the north and City property is also located to the west and east toward Leonard Street. To the south is property owned by the University of Texas. The Law School on Red River Street to the east has become a part of the campus of the University of Texas. Westerly from Red River there is "B" Residence

C14-69-184      John P. Watson--contd.

zoning and development which has followed down Park Place and now comes to Beanne Street. From Beanne Street down to Harris Park there is a solid block along the north boundary line of the campus which is being used for apartment development. Mr. Sneed stated that it is their position that the request is merely a logical extension of what already is existing and with the access and the right-of-way being obtained for 26th Street, the placing and building of the street, then the logical and highest and best use of the property is in the form of multi-housing and by reason of its particular design the logical best use is the highest density under Second Height and Area because of the requirement that it will be necessary to build into the structure the off-street parking to meet the requirements of the Ordinance.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that they are concerned about the traffic and are opposed to the change because of the fact that Park Place is almost as narrow as an alley; however, if the street is widened to 120 feet that would no longer be an objection. It should be pointed out that a substantial part of the subject property is not usable for foundations and buildings or parking spaces. All of the lots under consideration are very shallow in depth and there is a creek that runs through a portion of the area. The portion of the lots in the vicinity of the creek cannot be used for foundations or parking spaces, because of the fact that when there is a heavy rain the creek rises some 20 to 25 feet beyond the bank into the lots which makes a large portion unusable. The requested zoning would allow a large number of apartments on the area but in order to get the number of units permitted and the parking required, units would have to be extended upward because there is not sufficient usable square footage in the lots.

Arguments in REBUTTAL:

Mr. Sneed explained that the particular purchasers recognize and acknowledge that there is certain work that will have to be done on the site in order to correctly construct any improvements. It should be pointed out that the building codes and requirements are such that any problems will have to be resolved before the issuance of a building permit. The matter of the off-street parking and engineering so as not to obstruct the natural flow of water are items that would be controlled by the Building Inspector and no permit would be issued unless these elements were cured. In view of this and in view of the right-of-way for the street it is requested that the zoning be granted.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed this request in relation to topography, Waller Creek and the proposed 26th Street. A majority felt that the requested zoning is appropriate as this is a high density area and recommended that the request be granted.

C14-69-184      John P. Watson--contd.

At the Commission meeting, Mr. Hanks stated that in his opinion the City Council should consider purchasing the subject site as it is between Eastwood City Park, the University Law School and the University campus area and should be tied in together as a green belt area for the University.

After further discussion, a majority of the Commission concurred with the Committee recommendation and

VOTED:      To recommend that the request of John P. Watson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 708-716 Park Place be GRANTED.

AYE:          Messrs. Kinser, Reeves, Anderson, Milstead, Hanks and Kinman

NAY:          Messrs. Taniguchi and Crier

ABSENT:      None

C14-69-185      Jack Mason: A to LR  
510 West Live Oak Street

STAFF REPORT: The subject property contains an area of 5,882 square feet and the stated purpose of the request is for building and operating a gasoline station. The land use along both sides of South 1st Street is mixed consisting of a furniture store, grocery store, used car business and similar type uses. The zoning along South 1st Street is "C" Commercial, Second Height and Area. West Live Oak Street, classified as a minor collector street, has 65 feet of right-of-way. The staff recommends that the requested zoning be granted as it conforms to the existing zoning and development in the area.

#### TESTIMONY

#### WRITTEN COMMENT

Truman H. Montandon: 2412 N. Interregional Highway FOR

#### PERSONS APPEARING AT HEARING

Tom Curtis (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Tom Curtis, representing the applicant, had nothing to add to the report by the staff.

No one appeared in opposition to the request.

C14-69-185      Jack Mason--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Jack Mason for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 510 West Live Oak Street be GRANTED.

C14-69-186      C. L. Reeves: A to BB  
                   8110-8112 Sonnet Avenue  
                   8114 Sonnet Avenue

STAFF REPORT: This application covers three undeveloped lots containing an area of 25,080 square feet. The stated purpose of the request is for four-plex apartments. To the south and southwest is Balcones West, a single-family residential neighborhood, and directly to the west is a developing subdivision for low-density residential purposes. "BB" Residence, First Height and Area zoning was granted on a large tract of land east of Sonnet Avenue and also on a large undeveloped tract adjoining to the north in 1968. A special permit for approximately a 150 unit apartment dwelling group was recently granted on the large tract east of Sonnet Avenue and apartments are under construction. Westchester Avenue and Sonnet Avenue are being constructed at the same time. Balcones Drive to the east is the location of the proposed Mo-Pac Boulevard.

The Planning Commission and the City Council spent the second quarter of last year reviewing an application for "BB" Residence, Second Height and Area zoning on the tract bounded on the south by the north property line of the Balcones West Subdivision and between the west property line of the subdivision which is being laid out and constructed at the present time. The Zoning Committee and the Planning Commission could not reach an approval or disapproval and the application was passed to the City Council with a tie vote. An agreement was worked out between the City Council and the developers to amend the application because of the concern of the neighborhood and to provide a buffer of "A" Residence zoning for duplex development between Westchester Avenue and Sonnet Avenue and the existing residential subdivision to the west. The City Council granted "BB" Residence, First Height and Area zoning on the large tracts and "A" Residence for that tier of lots on the south and west boundary of the large tract. The Ordinance for that decision was adopted by the Council in February, 1969. The staff feels that the decision reached by the City Council and met with approval by the residents in that a buffer was being provided for protection from the apartment uses is still valid and to rezone the subject lot would introduce the possibility of further rezoning of the remaining lots, on the west and south side of Westchester Avenue. It is felt that the southwest corner of Balcones Drive and Westchester Drive would be requested for rezoning regardless. The purpose of a cul-de-sac of North

C14-69-186 C. L. Reeves--contd.

Forest Drive with no access to Westchester Avenue was to provide some protection to the single-family neighborhood to prevent apartment traffic from filtering through the neighborhood to and from apartment development. The staff feels that the decision reached last summer and acted on by the City Council in February is valid and recommends that the requested zoning be denied.

#### TESTIMONY

##### WRITTEN COMMENT

Robert A. Morris & Larry Morris: 512 East Riverside FOR

##### PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)  
Harold E. Estes: 4025 Greenhill Place

AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicant, explained that he did not represent the applicant when the zoning as it now exists was granted although he did represent Mr. Walden the owner of the tract adjoining to the north. The original application was filed for "BB" Residence, Second Height and Area at least in part as was the application on the property to the north. The application was subsequently amended after the hearing by the Planning Commission which was conducted in May, 1968, to "BB" Residence, First Height and Area. The matter was heard by the City Council in June, 1968. Mr. Baker explained that they have made an effort to obtain minutes of the City Council meeting but the City Clerk office is behind and only a rough draft transcript of the first meeting which was held was obtained. An attempt was made to obtain a rough draft transcription of the second hearing also which was held at a subsequent date but the machine did not work and there are large blank spaces making it impossible to tell what actually transpired at the second hearing.

Mr. Baker stated that he is familiar with the fact that the residents in the area did protest the application and it was agreed at some point in time during the hearing by the City Council that a buffer zone would be established to adequately protect single-family residences. It was also at that time that the buffer was extended so that it went to the total west side of the tract to the south boundary of the Walden tract.

Mr. Reeves has determined subsequent to the planning on this property inasmuch as the last three lots came out to be about 70 foot lots with a total area of 8800 to 9000 square feet in each lot that the same could be more properly or more adequately developed as fourplexes as opposed to duplexes. In this regard it should be pointed out that the area that is to be protected and is presently developed in single-family residences lies to the south of the subject tract in the area of Denwood Drive and is in part to the west;

C14-69-186      C. L. Reeves--contd.

however, not all of the area immediately adjoining the subject lot to the west is developed with single-family development. Property immediately to the west is being developed with duplex lots and not single-family residences. To the south, lots 4-18 are also being developed as duplex lots. The requested change is only on the three large lots that abut to an unzoned area, an area which is zoned "BB" Residence and an area which is being developed with duplexes, thus the applicant is not attempting to tear down the buffer zone that was created to protect the single-family residences. The change is requested as a continuation of the "BB" Residence zoning which does not abut against any single-family development. This still leaves a distance of approximately 300 feet between the "BB" Residence zoning, the start of the single-family development and the area being developed into duplexes. One of the concerns expressed by the staff was the fact that this change is taking place so soon after the area was zoned. This is often the problem in zoning and the reason for it or the answer is not known. In this regard, Mr. Reeves feels an obligation that the buffer zone should be left in a form to adequately protect the single-family residences that have been developed in the area. As this particular area was designed, there are no streets which go into the single-family residential area and there is absolutely no way to enter into the residential area from Westchester or Sonnet Avenues. The applicant will restrict, by restriction to be filed on record in the deed records of Travis County, Texas, as it is a subdivision, which will be binding on all future owners for a certain period of time, the use of lots 4-18 to duplex development. He is not willing to restrict the lot at the intersection of Balcones Drive and Westchester because the lot has frontage on Mo-Pac Boulevard and no one knows how it is going to develop. This restriction would be tendered to the City Council as a condition prior to the passage of any Zoning Ordinance and would provide a vehicle by which the adjoining single-family residential property owners could enjoin the construction of anything other than a duplex. Utilization of the three subject lots under "BB" Residence zoning does not prejudice any single-family lot owner or any adjacent property owner and will not add any additional traffic to the residential streets.

Arguments Presented AGAINST:

Mr. Harold Estes appeared in opposition and advised the Committee that he represents the Balcones Civic Association, which is comprised of residents of Balcones Hills, Balcones West, and Westover Hills. He said that he can verify the accuracy of the account by the staff as he attended all of the hearings pertaining to the case and they did establish at that time an agreement with the City Council with reference to roughly a 600 to 700 foot line along the present Balcones Drive - future Mo-Pac right-of-way stretching from the area to the north all the way to Hyridge Drive. The facts remain about the same as they were when the City Council agreed and settled the case on a compromise basis to give the protection of a buffer of duplex lots and the street for the homeowners, essentially at that time of Balcones West, and the new homeowners of Parade of Homes Subdivision to the west of Sonnet Avenue. There are now additional homeowners in the area who are as concerned as the older residents about the development of the area. The residents have asked that it be

C14-69-186      C. L. Reeves--contd.

reestablished again that a compromise agreement was reached and was based on respect for the developers plan and concern for the homeowners of the area. The situation and the problem has not changed and there is no reason to suspect that this will be anything other than piece-meal zoning if "BB" Residence zoning is granted on the three lots and would have a severe influence, perhaps, on the property values in the area and would also influence the development of the land that is not yet spoken for and unzoned to the north. Since the status is unchanged, the residents of the area have again been contacted and have indicated their opposition to the change and ask that it be retained as "A" Residential. There would also be objection to the change even if restrictions are placed on the area from the standpoint of the land in the area which is still undeveloped northwest of the "BB" Residence area. The Master Plan indicates residential "A" in this area and the homeowners have purchased their homes in reliance on that.

#### Arguments Presented in REBUTTAL:

Mr. Baker pointed out that there has been additional zoning in the area which has created more "BB" Residence zoning. The request would not be piece-meal zoning inasmuch as it adjoins "BB" zoning on the north and east. If the 600 foot line was established, and there was a great deal of discussion about the request for the establishment of the 600 foot line, it was violated when the Walden application was granted which was subsequent to the Reeves application. "BB" Residence zoning was granted for the Walden tract to the same distance as the west line of the three lots under consideration. Any action by the Committee and the Commission to rezone the lots would not have any influence on the development to the northwest and it is requested that the change be granted.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending a report from the staff with regard to development along Ceberry Avenue and the minutes of the original zoning of the area which occurred in June, 1968.

At the Commission meeting, Mr. Lillie reported that the staff mailed to the members of the Zoning Committee the minutes of the Commission meeting in June, 1968, and a draft of the City Council meeting in June 1968, in which the original zoning on the subject property was discussed. There was a second meeting by the Council about the end of June, but the transcript of that meeting was not available.

Mr. Milstead stated that he made a field inspection of the area and there is a duplex presently being built on the northern most lot along Ceberry Drive. The people who were building the structure indicated that the entire subdivision was to be duplexes.

C14-69-186 C. L. Reeves--contd.

Mr. Foxworth explained that Balcones Summit Subdivision located immediately to the west of the site along Ceberry Drive and Summit Bend was submitted by Mr. John Giddings. The preliminary plan was approved on the basis that the development was to be single-family. The plan for duplex development has occurred since the subdivision was approved in final form and recorded. Under the Subdivision Ordinance, a developer is required to identify all proposed uses on each site if the use is other than single-family; however, there was no indication on Balcones Summit Subdivision that the area would be developed with anything other than single-family.

Mr. Kinser stated that the applicant has offered restrictions on all of the other lots, with the exception of one, along this street.

Mr. Lillie reported that Mr. Richard Baker, attorney for the applicant, has submitted a letter offering the following information: (1) The adjoining lots in Balcones Summit Addition are owned by Robert A. Morris and he is presently developing said lots for the construction of duplexes and has duplexes under construction; (2) Mr. Reeves hereby advises the Commission that he will restrict lots 4 through 18 of Balcones Terrace Subdivision to a density of not more than duplexes.

Mr. Lillie explained that the original zoning as established by the City Council last year was that the development along Ceberry Drive and to the west being single-family residential in character with a tier of lots restricted to provide a land use intensity buffer. What has occurred since that time is that the adjoining area is being developed with duplexes which would imply that the buffer on the three lots under consideration is no longer necessary.

The Commission discussed the request recognizing the restrictions as offered by the applicant for Lots 4 through 18, and concluded that the buffer as originally intended is no longer necessary for the three subject lots because of the fact that property adjoining to the west is being developed with duplexes. In view of this and because the site adjoins existing "BB" Residence zoning, it was felt that the request is proper and should be granted. It was then unanimously

VOTED: To recommend that the request of C. L. Reeves for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 8110-8112 Sonnet Avenue and 8114 Sonnet Avenue be GRANTED.

DISQUALIFIED: Mr. Reeves

C14-69-188      J. D. Dillingham Estate: A, 1st to B, 2nd (Tr. 1) and GR, 2nd (Tr. 2)  
 Tract 1: 507-509 East 46th Street  
           Rear of 511-513 East 46th  
           510-604 East 45th Street  
 Tract 2: 500-508 East 45th Street  
           Rear of 501-505 East 46th Street  
           4501-4517 Duval Street

STAFF REPORT: This application covers two tracts of land located at the intersection of Duval Street and East 45th Street. Tract 1 contains an area of 2.44 acres and Tract 2 contains an area of 2.51 acres. The stated purpose of the request is for uses consistent with said zoning. Land use in the immediate neighborhood is predominantly single-family and duplex structures. There are some scattered non-residential uses at the corner of 45th Street and Duval Street consisting of a service station, laundry and appliance store and the closest non-residential zoning use from that point is on 43rd Street which is approximately two blocks to the south. Immediately to the east of the subject property is a large tract which is developed with a church and directly across from the church is a small apartment development. Within the immediate area there is a minor residential street system which is designed to serve single-family and two-family development. Basically the streets have 50 feet of right-of-way and 30 feet of paving. On the northeast corner of the subject tract, Evans Avenue is a stub street that dead-ends and at the dead-end there is a lot which has been created with a 25 foot dedication to extend Evans Avenue to serve that interior lot. The zoning in the area includes predominantly "A" Residence in conformance with the existing uses. There is "B" Residence zoning directly across from the church site on 45th Street. The zoning along Duval Street is "A" Residential with some "C" Commercial and "LR" Local Retail. To the south of 43rd Street and Duval Street there is apartment zoning which was granted by the Council last year. Duval and 45th Streets are identified as Major Arterial Streets with 45th Street having a car count of approximately 9400 cars per day and Duval Street with a car count of 7000 cars per day. The staff feels that the application does have merit but it is requested that it be amended in the following way: On Tract 1, it is recommended that the two lots which front onto 46th Street be retained as "A" Residence. Second, it is recommended that there be a dedication from Evans Avenue to bring this stub street to a minimum of 50 feet of width which would require an area 25 by 50 feet dedicated for street purpose and that there be a strip of "A" Residential zoning at least 10 feet wide bordering this dedicated street. By retaining the "A" Residential zoning in this form it would prohibit the ingress and egress of apartment traffic to and from Tract 1 from using Evans Avenue and would give the neighborhood protection from apartment traffic. It is further recommended that the remainder of Tract 1 be granted "B" Residence, First Height and Area rather than Second Height and Area zoning as it is felt that Second Height and Area is too intensive. On Tract 2 it is recommended that "GR" General Retail, First Height and Area be granted on the south 299 feet and that the remainder of Tract 2 be zoned "B" Residence, First Height and Area. By following this recommendation it would be in effect ringing the proposed commercial use with a belt of apartment zoning with access both from Duval and 45th Streets. In discussing the application with the Director of Planning, the staff would like to also request the possibility of a 25 foot building setback line from the north property line with a 6 foot

C14-69-188 J. D. Dillingham Estate--contd.

fence along the north property line. In addition, five feet of right-of-way and a five foot sidewalk and utility easement is needed from Tract 2 for Duval Street as well as five feet of right-of-way for 45th Street. With regard to Tract 1, five feet of right-of-way is needed for the future widening of 45th Street.

#### TESTIMONY

##### WRITTEN COMMENT

D. Beverage: 7824 Highwood Ave., La Mesa, Calif.	FOR
Minnie Johnson: 513 East 46th Street	AGAINST
Alvin T. Jackson: 508 East 46th Street	AGAINST
Travis C. Cooke: 500 East 46th Street	AGAINST
Mrs. C. T. Gifford: 502 East 46th Street	AGAINST
Donald A. Nelson: 4613 Duval Street	AGAINST

##### PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)	
Alvin T. Jackson: 508 East 46th Street	AGAINST
Mrs. H. Herhall Allen: 506½ East 46th Street	AGAINST
Mrs. A. T. Jackson: 508 East 46th Street	AGAINST
Annie M. Lawson: 511 East 46th Street	AGAINST
Mrs. Earl Johnson: 601 East 46th Street	AGAINST
Mrs. Minnie Johnson: 513 East 46th Street	AGAINST
Earl Johnson: 601 East 46th Street	AGAINST
Mrs. E. J. McCain: 505 East 46th Street	NO OPINION
Mrs. Eric Fredrickson: 603 East 46th Street	AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Richard Baker advised the Committee that he represents the Dillingham Estate which is handled by the Capital National Bank, Trustee. He explained that in several other applications they have had in the recent past it has been worked out and the Public Works Department has approved it in newer and older areas, whereby rather than going to a cul-de-sac, they let the street dead-end where it is only 150 to 200 feet off of a street which carries through. This is particularly true with the older sections where there are a number of dead-end streets. Mr. Baker stated that he is concerned about any effort to make a 10 foot "A" Residential area. While legally this would preclude anybody that is a developer from getting a curb cut for purposes of a driveway as means of ingress and egress into a street such as Evans Avenue, unfortunately, it does not preclude anyone driving over and going over the curb if that is what they want to do to get out. If it is the decision of the Committee that the zoning should be granted then the applicants probably would not object to the granting of the additional 25 feet that is necessary to finish the street off although they do have some feeling that attention should have been paid to the street when

C14-69-188 J. D. Dillingham Estate--contd.

the City allowed the lot to be short form subdivided on a 25 foot street. It is admitted that if this is worked out that a fence would be more satisfactory than a 10 foot area of "A" Residence, with part of the condition being that no driveway cut would be allowed. It should be pointed out that if the property is developed under the basis of a special permit the fire department will probably be desirous of some type of crash-down gate in this location so that the fire trucks and the traffic in the area could utilize the street if it is necessary in an emergency. The fire department has made a requirement of this type in several special permit applications and have asked that an effort be made to design a gate whereby if driven into, it would just go on over so that they could get in and out. Even if the 10 foot strip of "A" Residential zoning was granted, a fence should be required, otherwise the intent of the Commission could be evaded in one way or another if that is the desire of the people living in the project. There is also no objection to a fence along the north property line which borders the large tract on the north. The staff has recommended that the two lots on 46th Street be eliminated inasmuch as the area along 46th Street is a well-defined residential area. The applicants are desirous that the two lots be zoned; however, the staff's decision is understandable as there is no "B" Residence zoning on the street, so it will be recommended to the applicant that the application be amended in that manner.

The recommendation by the staff on the "GR" General Retail classification at the intersection of Duval Street and 45th Street and the "B" Residence, First Height and Area zoning on the balance of Tract 2 will have to be discussed with the applicants to see if it would meet their needs and requirements. He said that in his opinion it would be satisfactory as he is not aware of any intended use they have of the property for the general retail use at this particular point in time. There is an outstanding contract to sell Tract 1 for development. With regard to the right-of-way, if it is required, it will be discussed with the applicants and if they get the zoning change they would be willing to dedicate the right-of-way to make the streets sufficient to meet the needs of the more dense zoning.

Mr. Baker stated that the property under consideration is not suitable for additional single-family or duplex development because of its size, and the tract can be more adequately developed as one large tract without cutting any streets into it and is located within an area that has mixed zoning and uses. The apartment development has started in the area, particularly in the area of 45th Street toward the University. The property under consideration is a large tract and would be consistent with the zoning in the area and would be a proper utilization of the tract.

Mr. Taniguchi asked Mr. Baker if the applicants would object to "B" Residence, First Height and Area zoning rather than Second Height and Area as recommended by the staff. Mr. Baker stated that in his opinion the "B" Residence, First Height and Area classification will probably come within the area they need to meet the requirements of the parties but it would have to be discussed with the applicants.

C14-69-188 J. D. Dillingham Estate--contd.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the change, particularly on the two lots fronting onto 46th Street. If the change is granted, a precedent would be set for the residential area to the north and 46th Street is too narrow for any increased traffic. Duval and Red River Streets are heavily traveled streets and the residents do not want the increase in traffic created by a large number of apartments. If the change is allowed on 46th Street, it will destroy the residential character of the neighborhood.

Mr. Erle Johnson appeared at the hearing and stated that he lives at 601 East 46th Street and he is interested in Evans Avenue, as his property abuts that street. Evans Avenue is a very short street and if it is used for ingress and egress to the apartments it will create too much traffic congestion.

Arguments in REBUTTAL:

Mr. Baker stated that in order to avoid any problems on Evans Avenue and rather than the applicant dedicating the additional area for the extension of the street and the cul-de-sac, that possibly the area would be dedicated to the City for a street with the thought that the City would vacate the street and the applicants would give any right-of-vacation they have to the owner of the adjoining lot which needs the frontage. This would give the adjoining owner 50 feet of frontage on a street which is a requirement under the Subdivision Ordinance and would not necessitate the addition of curbing and cutting of a street which has been paved in the recent past and the applicants could then fence it which means that the adjoining owner would have a 50 foot lot that fronts on the street instead of an extension of the street. Mr. Baker stated that he does not know what the staff had in mind when they discussed the 25 foot buffer area between the north property line of the subject property and the south line of the single-family residence but in prior experiences, the development of a 25 foot buffer strip has proved to be a problem. In order to afford protection for the adjoining owners there is one way that works more satisfactorily which would be preferred by the applicant, if it is the intent of the Committee that there should be a buffer strip, which is that the construction within the 25 foot area be limited to one story in height. This would provide the protection for the adjoining property owners similar to the protection that is provided anywhere else in the City which is the five foot building setback line. If limited to one story in height, it would alleviate the problem of the adjoining property owners over the fence being concerned about somebody looking down into their backyards.

Mr. Lillie advised Mr. Baker that the staff recommended that a 25 foot building setback line be established rather than a buffer of any other type zoning. The one story solution has been worked out satisfactorily in other zoning applications submitted and there is no objection to limiting the structures to one story in height within 25 feet of the north property line.

C14-69-188 J. D. Dillingham Estate--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request is too intensive for the site; however, they felt that "GR" General Retail, First Height and Area zoning should be granted on the south 299 feet of Tract 2 and that "B" Residence, First Height and Area zoning should be granted on the north 220 feet of Tract 2 and on Tract 1 (with the exception of the two lots fronting onto East 46th Street and a 25 by 50 foot area of land on the northeast corner of Tract 1 at Evans Avenue, both of which should be retained as "A" Residence, First Height and Area) subject to the following conditions:

1. Five feet of right-of-way and five foot sidewalk and utility easement along Duval Street.
2. Five feet of right-of-way on 45th Street.
3. A 6 foot solid fence along the north property line of the proposed "B" Residence zoning and around the termination of Evans Avenue.
4. All structures within 25 feet of the north property line of the proposed "B" Residence, First Height and Area be restricted to one story in height.

At the Commission meeting, Mr. Lillie stated that Mr. Richard Baker, attorney for the applicant, has advised the staff that there is some paving and curbing at the stub end of Evans Avenue where it terminates into the subject tract and the staff will determine what the proper requirement should be concerning the termination of Evans Avenue.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of J. D. Dillingham Estate for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area (Tr. 1) and "GR" General Retail, Second Height and Area for property located at (Tr. 1) 507-509 East 46th Street, rear of 511-513 East 46th Street and 510-604 East 45th Street and (Tr. 2) 500-508 East 45th Street and the rear of 501-505 East 46th Street and 4501-4517 Duval Street be DENIED but that "GR" General Retail, First Height and Area zoning be GRANTED on the south 299 feet of Tract 2 and that "B" Residence, First Height and Area be GRANTED on the north 220 feet of Tract 2 and on Tract 1 (with the exception of the two lots fronting onto East 46th Street and a 25 by 50 foot area of land on the northeast corner of Tract 1 at Evans Avenue, both of which should be retained as "A" Residence, First Height and Area, subject to the following conditions: (1) five feet of right-of-way and five foot sidewalk and utility easement along Duval Street. (2) Five feet of right-of-way on 45th Street. (3) A six foot solid fence along the north property line of the proposed "B" zoning and around the termination of Evans Avenue, (4) All structures within 25 feet of the north property line of the proposed "B" Residence, First Height and Area be restricted to one story in height.

ABSTAINED: Mr. Kinnan

C14-69-189 Mrs. Carmen Whiteley: A to LR  
5402-5404 Manor Road

STAFF REPORT: The subject property consists of 18,500 square feet which is presently developed with a single-family structure. The stated purpose of the request is for operating a beauty shop within a home. The land use and zoning in the area is predominantly "A" Residential with the exception of the "C" Commercial, and "GR" General Retail zoning to the west, established prior to 1960, which is developed with a service station and grocery store. Manor Road is classified as a major arterial street with an existing right-of-way of 80 feet. It should be pointed out that under the existing "A" Residential district, the applicant can have a beauty shop within the home but could not employ any outside help. The staff recommends that the requested zoning be denied as an intrusion and encroachment into an established residential area and there are also possibly deed restrictions on the property.

#### TESTIMONY

#### WRITTEN COMMENT

Kwik-Chek Realty Co., Inc.: 2828 North Haskell,      AGAINST  
 Dallas, Texas

#### PERSONS APPEARING AT HEARING

Arthur E. Pihlgren: 109 West 5th Street      AGAINST

#### SUMMARY OF TESTIMONY

No one appeared on behalf of this request.

Mr. Pihlgren advised the Committee that he represents the owners of the 7-Eleven Stores and they are opposed to the requested change in zoning. He explained that the property owned by the 7-Eleven Stores was purchased from Mr. Frank Barron in the fall of 1958, for a considerable amount of money as he agreed that the property to the north would be deed restricted. In the spring of 1959, Mr. Barron recorded a subdivision plat and did restrict the property which is recorded in the Travis County deed records. It is felt that the requested zoning on the site would be piece-meal zoning in an existing area and if granted a precedent would be set for further "LR" Local Retail zoning. The existing "C" Commercial and "GR" General Retail area was granted to provide for this area when the subdivision was submitted.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a well-established residential area.

C14-69-189 Mrs. Carmen Whiteley--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Carmen Whiteley for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 5402-5404 Manor Road be DENIED.

C14-69-190 W. L. Mayfield: Int. A, Int. 1st to BB, 1st  
3625-3919 Cima Serena Drive

STAFF REPORT: This application covers 14.5 acres of land which is presently undeveloped. The stated purpose of the request is for condominium houses. The immediate surrounding land use is undeveloped. Directly to the north is the Westover Hills residential subdivision area. This application is part of the Westover Hills Master Plan which has been developed by consultants for Mr. Mayfield. At the time of the development of the plan by the consultants and the review by the Planning Department staff, it was the recommendation by the staff that the plan could be supported with certain reservations. Last month there were two zoning applications one of which was a request for "BB" Residence zoning on property located between the subject site and Balcones Drive at which time the staff recommended that the change be granted subject to the density which was submitted in the Westover Hills Master Plan at 12 units per acre. The other application was for property at Mesa Drive and Spicewood Springs Road in which "LR" Local Retail zoning was requested on approximately 10 acres and "BB" Residence zoning was requested on approximately 20 acres. This change was also supported by the staff as the proper application subject to the same conditions as in the previous request. The subject property was presented in the Master Plan for townhouse development which can be built up into "A" Residential zoning. Townhouse development occurs at approximately duplex density or approximately 3500 square feet per unit. In conversations with the applicant and the consultants, it was found that there was confusion over condominium units as opposed to townhouse units. Condominium development would be for the sale of the units and the land on which the unit is built. There is one lot as such under this development and because of this the staff felt that the condominium unit could not be built under the "A" Residential zoning structure. It was then recommended to the applicant that a request for "BB" Residence zoning should be submitted and that the staff could support it provided it meets the densities shown on the Westover Hills Master Plan which in this particular case would be approximately six units per acre. The staff recommends that the request be granted subject to the density which was submitted in the Westover Hills Master Plan at six units per acre and with the condition that up to 10 feet of right-of-way be provided for Cima Serena Drive.

In connection with this case and the two other cases which have been filed by the applicant in the Westover Hills Master Plan area, the staff was requested by the Commission to develop a general area plan for the area bounded by Balcones Drive on the east, U. S. 183 on the north, West Loop on the west and Spicewood Springs Road on the south. A schematic land use and zoning plan has been put together for that area and will be presented to the Commission in August.

C14-69-190      W. L. Mayfield--contd.

Mr. Lillie presented a schematic by the consultants and explained that approximately 84 single-family units will be constructed which is about six units per acre. The development on the remainder of the tract is cluster development which would be single-family units built on approximately 6000 square foot lots with open areas. The plan includes basically three cul-de-sacs in which the units would be clustered around with all the access to the units off of the cul-de-sacs. The recommendation by the staff is based on a plan by the consultants.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

Thomas Watts (representing applicant)	
Harold E. Estes: 4025 Greenhill Place	AGAINST
Pat Carlisle:	AGAINST

#### SUMMARY OF TESTIMONY

#### Arguments Presented FOR:

Mr. Thomas Watts, Engineer for Bryant-Curington representing the applicant, presented a copy of the plan and explained that they have done everything possible to present a Master Plan of the property owned by the applicant in this area. He said that they appreciate the concern by the residents in the area on the total undeveloped land but everything legally possible has been done to present a workable Master Plan. The areas in which the residents are objecting to are unzoned and the applicant has no basis to ask the Committee to consider zoning on the areas which he does not own. The Master Plan was developed by consultants from Denver and the subject property was inadvertently omitted in a previous application because of the difference in the Ordinance and it was subsequently determined that it would have to be a case by itself. Cima Serena Drive has to function as a collector street regardless of the zoning because of the way it traverses the area.

#### Arguments Presented AGAINST:

Mr. Harold Estes, representing the Balcones Civic Association, explained that the residents in this area request that the change be denied until a complete Master Plan of the area is developed because of the unzoned area between Cima Serena Drive and Westover Hills. The residents have put a great deal of money into their homes and when they were purchased there was an assurance that the area would be residential. If the change is granted it would represent a penetration of a 600 to 700 foot line which was agreed to by the City Council in 1968. There is no guarantee that condominiums would be built

C14-69-190      W. L. Mayfield--contd.

but rather if "BB" Residence zoning is granted they could go back to apartments. This is piece-meal zoning and an area study of all the area would be advisable before any changes are granted.

Mr. Pat Carlisle appeared at the hearing and stated that he owns the property north of Cima Serena Drive directly across the street from the site. He asked about the proposal for the traffic off of Cima Serena Drive and if the plans are to extend the street to his property. He said that Cima Serena Drive is presently a dedicated county road with 50 feet of right-of-way. If they are proposing to bring all of the traffic off of the subject property with an addition of 10 feet to the right-of-way, he would like to know what proposals they have for furnishing the right-of-way, and who will pay for the street. He further stated they have paid for the street several times and do not want to be required to pay again.

Mr. Lillie explained that under the plan which has been submitted for the apartment use on Balcones Drive there would be no access from the apartment zoning to Cima Serena Drive. All of the access would be on interior streets that would feed into Cima Serena Drive.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request is appropriate and should be granted, subject to five feet of right-of-way on Cima Serena and subject to a density of six units per acre as indicated in the Westover Hills Master Plan by the applicant.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of W. L. Mayfield for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area for property located at 3625-3919 Cima Serena Drive be GRANTED, subject to five feet of right-of-way on Cima Serena Drive and subject to a density of six units per acre as indicated in the Westover Hills Master Plan by the applicant.

#### SPECIAL PERMITS

CP14-69-024      Clifford R. Thomson: Mobile Home Park  
1913-1927 State Highway 71  
1403 Pringle Circle

STAFF REPORT: This application has been filed as required under Section 5-C, Subsection A, paragraph 39-E and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed on the site is a 131 unit mobile home park, mobile trailer office, community building and an area for a hobby shop. A request for "GR" General Retail zoning was recently made on the site at which time the Commission recommended

CP14-69-024 Clifford R. Thomson--contd.

that the area at the extension of Grant Drive be retained as "A" Residence, First Height and Area and the remainder of the tract be zoned "GR" General Retail, First Height and Area. The requested zoning will be before the City Council for consideration at their next meeting. The site plan submitted by the applicant indicates the deletion of the "A" Residence area at the extension of Grant Drive and shows a plot plan for the development of a trailer lot in the remaining area with the exception of the northeast area which should be left undeveloped. The reason is that there is a drainage ditch which parallels Tejas Drive on the north which would prohibit the development of the area for mobile home sites. The site plan has circulated to the various City departments and the comments are as follows:

## Water and Sewer

- Sanitary Sewer is available from the existing main in Hawkins Lane Easement. This will require an approach main  $\pm$  900' in length to be constructed from the edge of said property northerly to the Hawkins Lane Easement line. Water service is available from existing mains in adjacent streets. Four fire hydrants will be required. Two fire hydrants will be in the eastern drive of said tract, one will be  $\pm$  290' northeasterly of State Highway 71 and one will be  $\pm$  570' northeasterly of State Highway 71. One fire hydrant will be on the corner  $\pm$  140' easterly of Pringle Circle and one fire hydrant will be on the corner of the proposed  $\pm$  420' southerly of above mentioned fire hydrant. This additional fire coverage will require a 6 inch main with valves to be looped through the proposed streets between State Highway 71 and Pringle Circle as shown on this plat. A fire demand meter will be required if a combined fire and domestic system is used.
- It is our belief that the fire hydrants and water mains indicated in red are needed for adequate fire protection. We recommend that a bridge or some type crossing should be constructed over the drainage ditch to allow entering the area from Brandt Drive.

## Fire Protection

Our apparatus require 25' (inside) turning radius.

CP14-69-024 Clifford R. Thomson--contd.

- |                          |   |
|--------------------------|---|
| Traffic Engineer         | - If "streets" are to be public, they are unacceptable. The opening onto Pringle Circle should be a minimum of 60' of right-of-way.   |
| Electric<br>Storm Sewer  | - O.K. Easements at later date.<br>- (1) Show existing waterways on plan.<br>(2) Drainage easements required.<br>(3) Drainage facilities and plans must be approved by Public Works Department. |
| Building Inspector       | - (1) Interim "A" zoning does not permit proposed use.<br>(2) Office trailer to be no closer than 25 feet to front property line.   |
| Advance Planning         | - Recommend that access be provided to open area from two locations and that open area be designated for open space or recreation use.  |
| Director of Public Works | - Meets with our approval. Will need request for and approval of driveway before construction begins.   |
| Tax Assessor             | - 3-0923-1002 Taxes are paid through 1968<br>8-3-0923-0901 Taxes are paid through 1968<br>8-3-0923-0910 Taxes are paid through 1968   |
| Health Department        | - Approved: Waste Water System to be available.   |
| Fire Prevention          | - Provide fire protection equipment as required by Fire Code.   |

There are no critical problems with the plan and the staff recommends that the request be approved subject to compliance with departmental reports.

Mr. Reeves stated that he was on the Zoning Committee when an application was made on this property, and it was the Committee's recommendation that a fence be built along the western boundary of the property abutting the existing "A" Residence area.

Mr. Lillie explained that a fence is shown on the site plan for the area abutting the "A" Residential area to the north.

## TESTIMONY

## WRITTEN COMMENT

None

CP14-69-024 Clifford R. Thomson--contd.

PERSONS APPEARING AT HEARING

Clifford R. Thomson (applicant)

SUMMARY OF TESTIMONY

Mr. Clifford Thomson was present on behalf of this request and stated that with regard to the fence they have to stay up 50 or 60 feet in places as there is dense tree coverage and from a practical standpoint the fence is not needed because of the barrier of trees. There is also a long slope along the property line.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be approved subject to compliance with departmental reports and with the condition that a fence be erected along the west boundary line of the site which adjoins the residential area.

At the Commission meeting, Mr. Reeves explained that the Zoning Committee felt that a fence should be required along the western boundary line of the site which adjoins the "A" Residential area extending to the north end of the property.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of Clifford R. Thomson for a special permit for a 131 unit mobile home park on property located at 1913-1927 State Highway 71 and 1403 Pringle Circle, subject to compliance with departmental reports and with the condition that a fence be erected along the entire western boundary of the site, and authorized the Chairman to sign the necessary resolution when all requirements have been met.

The Chairman announced that any interested party aggrieved by this decision may appeal to the City Council for a review of the decision upon giving written notice to the City Council within 10 days following the decision of the Planning Commission.

CP14-69-025 Carl Meyer - Bethany Lutheran Church: Day Care Center  
6301-6313 Manchaca Road

STAFF REPORT: This application has been filed as required under Section 4 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a day care nursery with provision for 40 children (maximum 60), one large playground and all necessary equipment for the day care center. The area to the north is the Cherry Creek Subdivision and

CP14-69-025 Carl Meyer - Bethany Lutheran Church--contd.

the area to the south is semi-rural residential type development on very large acreage lots. There have been zoning applications within the past year, one directly to the south which was a request for "BB" Residence zoning. This application was withdrawn at the City Council hearing, and one on the west side of Manchaca Road for "GR" General Retail zoning which was granted by the City Council. The site plan has been circulated to the various City departments and the comments are as follows:

Director of Public Works

- Driveway as shown meets with our approval. Will need request for and approval of driveways before construction begins.

Tax Assessor

- 4-1517-0126 & 0127 Taxes are paid through 1968 on 0127, Item 0126 is exempt.

Health

- Approved: Waste Water system to be available.

Fire Prevention  
Traffic Engineer

- Install required fire extinguishers.
- Driveways are not very desirable. They should be reviewed with this department and Public Works.

Electric  
Water and Sewer

- O.K. Easements at later date.
- Sanitary Sewer is available from existing 8 inch main in Manchaca Road. One fire hydrant will be required on the southern corner of proposed drive.

Storm Sewer

- Surface water from paved areas should be drained onto their undeveloped area east of the parking area for 136 cars, and not on subdivision lots to the north.

Building Inspector

- 1. Lot area is more than adequate for 60 children.
- 2. Loading and unloading facilities are off the street.
- 3. The facility and site must also meet approval of the State Childrens Welfare Licensing Office.
- 4. Building Code Approval.  
Inspection of the building reveals the following:
  - a. No exit lights anywhere in the building.
  - b. Dead-end corridor leads to one room at southeast end of the building.
  - c. Some outside doors open to the inside.

CP14-69-025 Carl Meyer - Bethany Lutheran Church--contd.

## Fire Protection

- Existing fire protection facilities are believed to be adequate, if the fire hydrant indicated in red is installed.

Stanley Avenue on the east dead-ends at the rear property line of the subject tract and the staff recommends a fence or gate at the termination of Stanley Avenue to prohibit through traffic through the church site. There have been a number of calls from people in the area concerned about the access to the church from the rear of the property. The staff recommends that the special permit be approved subject to compliance with departmental reports and with the condition that a gate or crash-down type fence be established at the termination of Stanley Avenue.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING AT HEARING

Mrs. R. L. Steepleson (representing applicants)

## SUMMARY OF TESTIMONY

Mrs. R. L. Steepleson, member of the Board of Directors for the Child Care Center, explained that there are dense woods in the area where Stanley Avenue terminates but there would be no objection to a fence or a gate.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be approved subject to compliance with departmental reports, and with the condition that a gate or a fence be erected at the termination of Stanley Avenue.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the request of Carl Meyer - Bethany Lutheran Church for a Special Permit for a day care center on property located at 6301-6313 Manchaca Road, subject to compliance with departmental reports, and with the condition that a gate or "crash-down" type fence be erected at the termination of Stanley Avenue and authorized the Chairman to sign the necessary resolution upon completion.

CP14-69-026 H. Kirkebo: 12 Unit Apartment Dwelling Group  
2804 South First Street

STAFF REPORT: This application has been filed as required under Section 5, Subsection A, Paragraph E and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 12 units, 24 off-street parking spaces, outdoor patios or areas accommodating each unit. The "B" Residence zoning existing on the site was granted by the Commission and the City Council several months ago and the applicant has been before the Board of Adjustment for a variance on the area requirements. The Ordinance requirement for an apartment dwelling group is one acre and the subject site contains only .98 acres. The applicant is proposing four separate clusters of triplexes along the deep lot. The request has been circulated to the various City departments and the comments are as follows:

- Tax Assessor - 4-0404-0834 Taxes are paid through 1968.
- Storm Sewer - Surface drainage flow from area should be carried easterly to South First Street along driveway as shown on layout. Builder should exercise care so as not to block surface flow from lots to the south of this development.
- Director of Public Works - Driveway locations meet with our approval. Will need request for and approval of driveways before construction begins.
- Water and Sewer - Sanitary Sewer is available from existing 8 inch main in South First Street. Water Service is available from the existing 6 inch main in South First Street. Two fire hydrants will be required, one will be on the northeast corner of the proposed drive and one will be on the island in the western end of this same drive. This will require a 6 inch main with valve to be constructed in the proposed drive from South First Street to the island. A fire demand meter will be required if a combined fire and domestic system is used.
- Health - Approved: Waste Water System to be available.
- Electric - O.K. Easements at later date.
- Advance Planning - Acceptable as net density does not exceed duplex density.

CP14-69-026 H. Kirkebo--contd.

Building Inspector

- 1. Parking is O.K. if all units are no more than 2-bedrooms each.
- 2. Property shows to be zoned "A" Residence.
- 3. Does not include building code approval.
- 4. Variance has been granted by Board of Adjustment for apartment dwelling group on less than a one-acre site.

Traffic Engineer

- The driveways are not desirable. They should be reviewed by this department and Public Works.

Fire Protection

- The distance of the buildings from South First Street and existing fire facilities causes the recommendation of the installation of the water and fire hydrant indicated in red. The length of our fire apparatus requires a 25' inside turning radius. A 34' outside radius - minimum.

The staff recommends that the special permit be approved subject to compliance with departmental reports.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

Bill Sisk (representing the applicant)

#### SUMMARY OF TESTIMONY

Mr. Bill Sisk, representing the applicant, requested that this special permit be granted.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be approved, subject to compliance with departmental reports.

CP14-69-026 H. Kirkebo--contd.

At the Commission meeting, the staff reported that Mr. Collingsworth who plans to develop the subject property has had discussions with the Water Department on the fire hydrants at the end of the property and the cost is so high that he feels that he may not be able to meet the cost and may drop the project.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the request of H. Kirkebo for a Special Permit for a 12 unit apartment dwelling group on property located at 2804 South First Street, subject to compliance with departmental reports, and authorized the Chairman to sign the necessary resolution upon completion.

The Chairman announced that any interested party aggrieved by this decision may appeal to the City Council for a review of the decision upon giving written notice to the City Council within 10 days following the decision of the Planning Commission.

CP14-69-027 Mrs. Harry T. Davidson: 13 Unit Townhouse  
2610-2618 Jefferson Street

STAFF REPORT: This application has been filed as required under Section 4, Subsection E, Paragraph 11, and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a townhouse subdivision containing 13 units. The proposed use is permitted in an "A" Residence district under special permit, a subdivision and site requirements as outlined in the Zoning Ordinance. The site plan has circulated to the various City departments and the comments are as follows:

- |                  |   |   |
|------------------|---|---|
| Tax Assessor     | - | 1-1702-0408 Taxes are paid through 1968.  |
| Storm Sewer      | - | <ol style="list-style-type: none"> <li>1. Developer should use care in setting elevations on driveway along north side of development so as not to block surface drainage.</li> <li>2. Surface drainage along South side of development should be carried to street or existing 24" storm sewer.</li> </ol> |
| Fire Prevention  | - | Install required fire extinguishers as buildings are completed.   |
| Traffic Engineer | - | <ol style="list-style-type: none"> <li>1. Head-in - back-out parking on Jefferson is not acceptable.</li> <li>2. Turnaround area in southwest corner is too narrow for maneuvering, this drive should be one-way exit only with parking stalls angled in opposite direction.</li> </ol>                     |

CP14-69-027 Mrs. Harry T. Davidson--contd.

Advance Planning

- 1. 10' of right-of-way needed along Jefferson Street.
- 2. Law Dept. must determine whether frontage on Mo-Pac is acceptable as Mo-Pac Blvd. is limited access and abutting lots will not be permitted access.
- 3. Right-of-way for Mo-Pac must be dedicated before it can be considered a street.
- 4. Very little usable open space is provided.
- 5. Recommend against driveway access from Jefferson as shown as it results in head-in parking and Jefferson Street is a collector street in this area. A service drive to all the units would be more desirable and would make it possible to comply with front yard requirements on driveway area limitations.
- 6. It appears that units will back to Jefferson which may be detrimental to units on east side of Jefferson.
- 7. Plan must comply with zoning and subdivision ordinance requirements.

Water and Sewer

- Sanitary Sewer is available from existing 8 inch main in Jefferson Street. Water service is available from existing 12 inch main in Jefferson Street. One additional fire hydrant will be required on the corner of the proposed drives adjacent to Lot 2226. A Fire Demand Meter will be required if a combined domestic and fire flow system is used.

Director of Public Works

- Need approximately 10' for widening Jefferson Street, also driveway layout on Jefferson Street is not very good. Driveways on lot rather narrow for fire trucks.

Health

- Approved: Waste Water System to be available.

Electric

- O.K. Additional easements at a later date.

CP14-69-027 Mrs. Harry T. Davidson--contd.

## Fire Protection

- Existing fire protection facilities are indicated in blue and recommended facilities indicated in red. We recommend that this fire hydrant be installed and a drive to it be kept open before and during construction if possible. Our apparatus require a 25' inside turning radius. We would like to suggest that a fire resistive material be considered on the exterior of the buildings in particular the side facing the inside walk and court.

## Building Inspector

- 1. Subdivision is required to create Townhouse lots as proposed. Area of lots to be subdivided must conform to Zoning Ordinance requirements.
- 2. All private yards as proposed do not meet the area required, or fence required of 400 sq. ft. variance required by Board of Adjustment.
- 3. All private yards adjoining a side property line must have 5 ft. high solid fence.
- 4. Proposed front setbacks from Mo-Pac Blvd. as proposed do not meet the Zoning Ordinance. Required of 25 ft. - variance required by Board of Adjustment.
- 5. Driveways located in front yards exceed 50% of lot widths - variance required by Board of Adjustment.
- 6. Site Plan proposes rear yard depths of less than 10 ft. Minimum rear yards required to be at least 10 ft. unless reduced, or waived by the Planning Commission where required conditions are met.
- 7. Does not include building code requirements.

The staff cannot recommend favorably on this request as the problems are too many and too varied and are such that it is possible that a redesign of the plan may have to be undertaken. It is felt that the site is over developed and is not a desirable application from the standpoint of the single-family residences across

CP14-69-027 Mrs. Harry T. Davidson--contd.

from the site. The staff recommends that the request be denied until the problems can be resolved.

#### TESTIMONY

#### WRITTEN COMMENT

None

#### PERSONS APPEARING AT HEARING

Jack Ritter, Jr. (representing applicant)	
Mike London: 1613 Preston	AGAINST
Patricia O. Gerling: 1611 Preston	AGAINST
F. W. Gerling: 1611 Preston	AGAINST
Mr. & Mrs. Philip D. Creer: 1605 Gaston Ave.	AGAINST
Mr. & Mrs. Ernest Belcher: 1608 Gaston Avenue	AGAINST
M. Ray Clark: 2606 Jefferson	AGAINST

#### SUMMARY OF TESTIMONY

#### Arguments Presented FOR:

Mr. Jack Ritter, Jr., stated that he represents the applicant and himself as a potential purchaser of the land in question. He said that he is somewhat chagrined at the Director of Planning in that he helped design the units and now his staff has recommended against the development. In view of this, Mr. Ritter asked that the application be withdrawn at this time.

#### Arguments Presented AGAINST:

Mr. Philip Creer appeared at the hearing and stated that he represents six families opposed to the change. The staff has made a close analysis on the application with regard to the points at issue. The property borders Pemberton Heights which has been a well-defined residential area for many years and its best asset is the fact that it has maintained the low density character over the years. The applicant tried to make use of the fact that the site abutts on the freeway as a means of facing five of the thirteen units on the public way when there was no access, but the spirit of the recommendation by the staff, and it is very clear, that access to the property is desirable from a public street. There is a required setback of 25 feet from Jefferson Street which presently has 50 feet of right-of-way but the street is proposed to be widened from the west by at least 10 feet which would make the development on the site closer to the street. The 400 square feet of yard in one piece is not feasible. The Ordinance requires that a front driveway be not more than 50 per cent of the property and the driveways as shown are 60 per cent of the lot width. This is not the spirit of having access to a street. A point is made that they would have 15 cars that would head-in and back-out onto a heavily travelled street that will become even more so when Mo-Pac Boulevard is developed. There is a curve

CP14-69-027 Mrs. Harry T. Davidson--contd.

just a block south of this where visibility is zero. The overcrowding of the units on the property prompted the City to recommend a fire hydrant in the rear. People in this neighborhood are not interested in this type of development and the request should be denied.

Several other property owners speaking in opposition to the request explained that there are a number of small children in the neighborhood and Jefferson Street has a heavy traffic problem without increasing the burden and any additional traffic would be hazardous.

Arguments in REBUTTAL:

Mr. Ritter stated that development of this property has been very carefully thought out and part of the problem is that the present Townhouse Ordinance is not very well put together from the standpoint of someone who wants to develop a project as is proposed. The plans were for condominium homes but there is no way this type of project can be built. There was to be a corporation that would control the land and the ownership of the units and the cost was to be around \$30,000 to \$35,000 per unit which would be an asset to the neighborhood. It is recognized that the driveways are tight. The staff has made two statements that are incorrect. The Legal Department has already approved fronting the lots on the freeway without access and if the engineering of the driveways could be worked out there was no reason it could not be done. The staff indicated that the issue has not been settled but this has been gone over in great detail and a variance was applied for with the Board of Adjustment for 12 foot driveways on the back and 19 feet on each side and 20 feet on the other. The units would have preserved property values that would have been destroyed by the freeway. When the freeway is developed there will be a very disturbing noise problem. People on Preston Street will realize that they are within 250 feet of the freeway which will be an obnoxious situation. There is an acre of land involved in the concept which has been put together for development and all of the requirements of the code have been met.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied.

At the Commission meeting, the staff reported a letter from Mr. Jack Ritter, Jr., requesting that this application be withdrawn.

The Commission then

VOTED: To ACCEPT the withdrawal of this request for a special permit.

CP14-69-028 Louie Gage: Veterinary Office  
7731 Burnet Road

STAFF REPORT: This application has been filed as required under Section 6, Subsection B-75, Paragraph B and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed on the site is a veterinarian office. The proposed use is in an existing shopping center located on Burnet Road and Anderson Lane. The request has been circulated to the various City departments and the comments are as follows:

- |                          |   |
|--------------------------|---|
| Storm Sewer              | - The builder should check his proposed building location in regards to the location of an existing drainage easement and 42" storm sewer pipe.   |
| Health                   | - Approved: Waste Water System to be available.   |
| Tax Assessor             | - 2-3707-0242 Taxes are paid through 1968<br>2-3805-0213 Taxes are paid through 1968  |
| Electric                 | - O.K.  |
| Traffic Engineer         | - Are the curb returns being questioned?  |
| Fire Protection          | - Existing fire protection facilities are believed to be adequate.  |
| Director of Public Works | - Driveway locations as shown meet with our approval. Need request for, and approval of them before construction begins.  |
| Building Inspector       | - 1. Zoning is "C" Commercial (No Specific Lot Size is Required)<br>2. Does not include Building Code Approval.   |
| Advance Planning         | - O.K.  |
| Water and Sewer          | - Sanitary Sewer is available from existing mains in adjacent streets and easements.<br>Water service is available from existing mains in adjacent streets. Present fire coverage is adequate at this time but when the proposed buildings shown on this plat are brought under construction additional coverage will be required as shown. |

Mr. Reeves asked if any consideration has been given to animal control in view of the fact that the proposed use is located in a shopping center. Mr. Lillie explained that the use would have to be constructed in conformance with the Building Code as it effects the use on veterinarian development. The staff recommends approval of the request subject to compliance with departmental reports.

CP14-69-028 Louie Gage--contd.

## TESTIMONY

## WRITTEN COMMENT

None

## PERSONS APPEARING AT HEARING

Charlie Carpenter (representing applicant)	
William D. Drow: 254 Freiling Drive, San Antonio	FOR
Mrs. W. D. Drow: 254 Freiling Drive, San Antonio	FOR

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Charlie Carpenter, representing the owner of the shopping center, explained that the use proposed is not like the type of veterinary operation of some few years ago. It will be an out-patient clinic and there will not be any large animals treated. The developers of the shopping center will not put anything in the center noise-wise or odor-wise that would be detrimental. The use of the site is very much like a doctor or dentist office. It is an air-conditioned structure and the applicant will go to extremes if necessary to make sure that there is no noise factor to bother adjoining stores.

Dr. William D. Drow presented slides showing the type of development he proposes. He explained that he plans to lease hospital space in the North Village Shopping Center. Most of the area is already filled in and adjoining the site under consideration is a cosmetic shop and further back in the building is a photograph shop. He said that it is his understanding that after his building is constructed, additional buildings will be built. He said that if there is someone who disagrees or objects to the hospital because of the noise or odor factor he cannot agree for he feels that the use will not be unsightly or offer any noise or odor or bring any undesirable element into the area. In the front of the structure will be a reception room where the pets will be admitted and there is one 8 x 9 foot examination room. The hospital will be for the examination and treatment of small pets namely cats and dogs.

Mr. Reeves said that the use may not be objectionable; however, if he relocates and someone else leases the building it could be detrimental.

Dr. Drow stated that there is a need for this type of use in this area of town and he chose the shopping center location as it is convenient. There are to be no outside runs and there are only one or two cages in the event some pet has to remain overnight for treatment. The facilities will be enclosed and constructed with 20 feet of width and an 8 foot ceiling.

Mr. Lillie stated that a veterinary use can be located in any "C" Commercial district under a special permit. If the use is located on an isolated site

CP14-69-028 Louie Gage--contd.

in a "GR" General Retail district, a five acre tract would be required and in an "LR" Local Retail District, a 10 acre tract would be required. This is to protect surrounding residential areas. The application as submitted has been reviewed by the departments and the request is in conformance and there is no reason to recommend denial.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to this request and stated that in their opinion a development such as the one proposed should be separated from the residential area because of the noise and odor generally associated with that type use. If the request is granted, there would be nothing to prevent the boarding of animals which would be a nuisance.

Mr. Reeves stated that in his opinion the use is not compatible with the shopping center and there would be nothing to prevent very large animals from being brought into the clinic.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and concluded that this request should be referred to the full Commission without a recommendation.

At the Commission meeting, Mr. Lillie reported that the special permit which has been applied for meets the requirements of the Ordinance. There are a few technical problems which can be worked out. The staff recommends that the request be granted.

Mr. Reeves stated that in his opinion the 5 acre tract requirement is subject to interpretation of the Ordinance.

Mr. Hanks stated that in his opinion most of the veterinary clinics now are different than they were a few years ago and the trend is to develop in the community centers. After further discussion,

A MOTION TO APPROVE THE REQUEST FOR A SPECIAL PERMIT FAILED TO CARRY BY THE FOLLOWING VOTE:

AYE: Messrs. Taniguchi, Crier, Anderson and Hanks  
 NAY: Messrs. Kinser, Kinnan, Milstead and Reeves  
 ABSENT: None

THE REQUEST IS THEREFORE DENIED.

## SUBDIVISIONS

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of June 23, 1969, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission. The Commission then

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of June 23, 1969 on the minutes of this meeting.

## SUBDIVISION PLATS - FILED AND CONSIDERED

C8-69-18 Vintage Hills - Section 4  
Dubuque Lane and Val Drive

The staff reported that this final plat which has previously been before the Commission was disapproved pending technical items which were requirements of the Ordinance and has been given approval under the Commission's amended rules and regulations recently adopted by the Commission. The Commission then

VOTED: To ACCEPT the staff report and to record in the minutes of this meeting the approval of VINTAGE HILLS - Section 4.

C8-69-58 Swansons Ranchette - Number 3  
Swansons Ranch Road

The staff reported that this is the first appearance of this final plat before the Commission but all departmental reports are complete and all requirements of the Ordinance have been met. It is recommended that the plat be accepted for filing and approved. The Commission then

VOTED: To ACCEPT for filing and APPROVE the final plat of SWANSONS RANCHETTE, Number 3.

C8-68-63 Point West of Westover Hills - Section 4, Revised  
Westover Creek Drive and Hyridge Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending additional easements, fiscal arrangements, completion of departmental reports and provision for sidewalks as required by the Sidewalk Ordinance. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of POINT WEST OF WESTOVER HILLS - Section 4, Revised, pending the requirements as indicated.

C8-68-70      Creekside Terrace  
Springdale Road and East 51st Street

The staff reported that this subdivision has been approved previously and recorded and now there is a request by the owners to vacate the plat in its entirety. A memo has been circulated to the various City departments that are affected by subdivision consideration and several reports are still lacking. There is a report from the Director of Public Works asking for the retention of the dedication of East 51st Street as provided by the original plat and retention of the drainage and utility easements through Lot 2 and Lots 11-17. The way to accomplish this would be by separate instrument in connection with the vacation of the plat. The staff recommends that the necessary instrument be prepared and filed for the retention of the easements and also for the dedication of East 51st Street and in the hands of the City before the plat is formally vacated. It is recommended that the vacation be approved pending the completion of departmental reports and pending the necessary instruments as indicated. The Commission then

VOTED: To APPROVE the request to vacate the final plat of CREEKSIDE TERRACE, pending completion of departmental reports and subject to receipt by the City of the separate instruments for the retention of the necessary easements and the dedication of East 51st Street.

ABSTAINED: Mr. Hanks

C8-68-72      Turtle Creek Estates  
South First Street and Turtle Creek Boulevard

The staff recommended disapproval of this final plat pending provision for sidewalks as required by the Sidewalk Ordinance. The Commission then

VOTED: To DISAPPROVE the final plat of TURTLE CREEK ESTATES, pending provision for sidewalks as required by the Sidewalk Ordinance.

C8-69-38      Travis Landing No. 2  
Hudson Bend and Beacon Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending additional easements and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of TRAVIS LANDING NO. 2, pending the items as indicated.

C8-69-50      Phillips Ranch Addition  
Turkey Creek Road

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending additional easements and completion of departmental reports.

C8-69-50 Phillips Ranch Addition--contd.

The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of PHILLIPS RANCH ADDITION, pending the items as indicated.

C8-69-61 Country Club Gardens - Section 3  
Montopolis and Margarita Terrace

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved, pending completion of departmental reports and provision for sidewalks as required by the Sidewalk Ordinance. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of COUNTRY CLUB GARDENS - Section 3, pending the requirements as indicated.

C8-69-62 Cherry Creek V  
Stassney Lane and Lewood Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports, annexation, provision for sidewalks as required by the Sidewalk Ordinance, changing of the intersection of Berry Hill Drive and Harwick Drive to a "T" intersection and pending recording of Section 4. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CHERRY CREEK V, pending the requirements as indicated.

C8-69-47 Greenleaf Estates - Section 2  
Dittmar Road and Forestwood Road

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of GREENLEAF ESTATES - Section 2, pending the requirements as indicated.

C8-69-63 The Bluffs of University Hills - Section 3  
Loyola Lane and Bridgewater Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports and provision for sidewalks as required by the Sidewalk Ordinance. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of the BLUFFS OF UNIVERSITY HILLS - Section 3, pending the items as indicated.

C8-68-100      Congress Park  
Rayburn Drive and Powell Lane

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports and provision for sidewalks as required by the Sidewalk Ordinance. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CONGRESS PARK pending the requirements as indicated.

C8-69-66      Castlewood Forest - Section 3  
Crownspoint Drive and Queenswood Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CASTLEWOOD FOREST - Section 3, pending the requirements as indicated.

C8-69-70      Villa Suena - Section 2  
Vasques Street and Villita Avenida

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports, tax certificates and provision for sidewalks as required by the Sidewalk Ordinance. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of VILLA SUENA - Section 2, pending the requirements as indicated.

C8-69-41      Wood Shadows - Section 2  
Greenview Drive and Timber Valley Drive

The staff reported that this is the first appearance of this final plat and recommended that it be accepted for filing and disapproved pending completion of departmental reports, annexation and provision for sidewalks as required by the Sidewalk Ordinance. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of WOOD SHADOWS - Section 2, pending the requirements as indicated.

C8-69-55      Quail Creek West, Phase 2, Section 1  
Rutland Drive

The staff reported that this is the first appearance of this final plat and recommended that it be accepted for filing and disapproved pending completion of departmental reports, annexation and provision for sidewalks as required by the Sidewalk Ordinance.

C8-69-55 Quail Creek West, Phase 2, Section 1--contd.

The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of QUAIL CREEK WEST, Phase 2, Section 1, pending the requirements as indicated.

## SHORT FORM PLATS - FILED AND CONSIDERED

C8s-69-107 Lone Oak Subdivision  
Lone Oak Drive

The staff reported that this is the first appearance of this short form plat before the Commission and recommended that it be accepted for filing and approved with the restriction which has been placed on the plat limiting the use of the property. The subject property is zoned "C" Commercial and the applicant submitted it for the purpose of erecting a single-family house on the lot and the intention of the restriction was that he would restrict it to either single-family or duplex development until such time that additional access is available. The restriction is on the plat. The Commission then

VOTED: To ACCEPT for filing and APPROVE the short form plat of LONE OAK SUBDIVISION, subject to a restriction on the plat limiting the use to either single-family or duplex until such time as additional access is available.

C8s-69-111 Angus Valley No. 2, Resub.  
Bull Run & Mustang Chase

The staff reported that this is the first appearance of this short form plat before the Commission and recommended that it be accepted for filing and approved inasmuch as all departmental reports are complete. The Commission then

VOTED: To ACCEPT for filing and APPROVE the short form plat of ANGUS VALLEY NO. 2, Resub.

C8s-69-112 Manana Terrace Lots  
Encino Verde

The staff reported that this is the first appearance of this short form plat before the Commission and no departmental reports have been received. There is a variance involved on the shape of the cul-de-sac. This subdivision consists of 9 lots, three of which face onto Encino Verde and the other six facing onto a street with a square cul-de-sac. The variance involved is on the cul-de-sac which has been conveyed to Travis County. The Subdivision Ordinance states that when the Commission finds other unusual conditions or development of the most desirable residential plat require laying out a dead-end street, the street shall terminate in a cul-de-sac with a minimum right-of-way radius of 50 feet and shall be no more than 400 feet long unless necessitated by topography. The cul-de-sac is in existence in this shape and form and it is the

C8s-69-112      Manana Terrace Lots--contd.

staff's understanding that the topography is such that there is no room to provide the termination as required by the Subdivision Ordinance. Technically there are two variances involved, one of which is the length of the cul-de-sac inasmuch as it exceeds 400 feet in length and the other is the termination in a cul-de-sac with a radius of 50 feet. The topography of the land is quite steep and is such that there is no room to provide a 50 foot radius for a standard cul-de-sac. The staff recommends that the variance be granted from the Subdivision Ordinance requirement on the 50 foot radius of the cul-de-sac and the length of the cul-de-sac and that the plat be accepted for filing and disapproved pending completion of departmental reports, a letter from the County on acceptance of the dedication of the road and a street name for the road.

Mr. Fowler was present at the hearing and stated that the County has accepted the street.

After further discussion, the Commission unanimously

VOTED:      To ACCEPT for filing and DISAPPROVE the short form plat of MANANA TERRACE LOTS, subject to completion of departmental reports, a letter from the County on acceptance of dedication of the County road, and a street name on the County Road, and granting a variance on the Ordinance requirement on the shape and length of the cul-de-sac.

C8s-69-109      R. A. Nowlin - Second Resub.  
Slaughter Lane and Pleasant Hills

The staff reported that this is the first appearance of this short form plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports and the right-of-way required for Slaughter Lane and Peaceful Hill Lane. The Commission then

VOTED:      To ACCEPT for filing and DISAPPROVE the short form plat of R. A. NOWLIN - Second Resub., pending the requirements as indicated.

C8s-69-110      Highland Hills N.W. Chimney Corners Section, Resub.  
Far West Boulevard and Chimney Corners

The staff reported that this is the first appearance of this short form plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports. The Commission then unanimously

VOTED:      To ACCEPT for filing and DISAPPROVE the short form plat of HIGHLAND HILLS NORTHWEST, Chimney Corners Section, Resub., pending completion of departmental reports.



R1410

ZONING ORDINANCE--contd.

- D. Where siding to or across the street from a junior or senior high school, a district or larger park, a public utility plant or sub-station, or a public office, laboratory, warehouse, storage yard, hospital or special school but not including a neighborhood park or elementary school (this takes into account the various "intensive" public uses that are similar to private commercial uses).
  - E. In new subdivisions located in areas designated as "Low Density Residential" under the Master Plan provided that the number of lots designated for two-family units does not exceed ten (10) percent of the total number of lots in the subdivision (this would allow new subdivisions to be planned for a moderate number of duplex units but would eliminate the all-duplex subdivision).
- II. Provide for two-family units in other circumstances as a Special Exception subject to approval by the Board of Adjustment. This would involve notice to property owners and hearing. The suggested conditions or circumstances would be:
- A. Where siding to or across the street from an existing two-family unit.
  - B. Where backing to "BB" or less restrictive zoning.
  - C. Where more than ten (10) percent of the lots within 500 feet are occupied by two-family units.

In addition, establish a new zoning district for two-family units under any circumstances (subject to adequate lot area). Also, such a district could provide for four-family units under the conditions listed above for two-family units in "A" Residence.

PROPOSED AMENDMENT TO SECTION 31, PARAGRAPH E, TO ANNEX PROPERTY AS "INTERIM AA" RESIDENTIAL

The following amendment to the Zoning Ordinance concerning the zoning of land annexed to the City is recommended:

- E. Any territory annexed to the City of Austin and brought within its corporate limits for any purpose shall assume an interim classification as "AA" Residence, First Height and Area District pending final determination of its proper zoning classification in accordance with the provisions of State law and this Ordinance.

This would annex land into a "single-family district" as opposed to the present annexation into the "A" Residence or two-family district.

MODIFICATION OF SPECIAL PERMIT REQUIREMENTS FOR APARTMENT DWELLING GROUPS AND GENERAL REQUIREMENTS FOR ALL APARTMENT DEVELOPMENTS OVER A CERTAIN SIZE

It is recommended that the Commission authorize the drafting of the following amendments to the Zoning Ordinance:

R1410 ZONING ORDINANCE--contd.

I. The Special Permit requirements for Apartment Dwelling Groups be removed for the following:

- a. On any site where 75% or more of the perimeter of the site is zoned "BB" or less restrictive (25% A or more restrictive)
- b. On a 3 acre site zoned "BB" where less than 60% of the perimeter of the property is zoned "A" or more restrictive.
- c. On a 2 acre site in "B" through "GR" where less than 40% of the perimeter of the site is zoned "A" or more restrictive.
- d. On a 1 acre site in "C" or less restrictive where less than 40% of the perimeter of the property is zoned "A" or more restrictive.

## PROVIDED:

- a. Head-in parking in all apartment development (and other uses) is prohibited unless approved by the Director of Traffic and Transportation. (A variance could be approved by the Board of Adjustment).
- b. No main building shall be located closer to "A" or more restricted than one-half the building height with a minimum distance of 20 feet and a maximum of 50 feet.
- c. No outdoor swimming pool, game courts or other outdoor active recreation area shall be located closer than 50 feet to any "A" or less restricted district. The Building Official may approve a solid wall and the placement of lights so that such outdoor area may be located as close as 30 feet.
- d. The owner of the property shall place a restriction on the property requiring any future sale and/or division of the land and development to be approved by the City.
- e. The plan shall be submitted to the Department of Public Works for establishing requirements for drainage easements and facilities.
- f. The plan shall be submitted to Planning Department and Public Works Department for establishing requirements for new streets or additional street rights-of-way.
- g. The plan shall be submitted to the appropriate utility departments for appropriate easements and improvements. Also, to the Fire Department for fire protection requirements.

The Commission members briefly discussed the suggestions by the staff and

AGREED: To further consider the proposals at a later date.

C2-69-1(f) AUSTIN DEVELOPMENT PLAN AMENDMENT

80 acres located south of Rutland Drive  
approximately 900 feet east of T.N. & O Railroad

Mr. Wayne Golden, Planning Coordinator, reported that Mr. Robert Gray and Gray and Becker, Inc. has requested a change in the Austin Development Plan

C2-69-1(f) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

from Low Density Residential to Manufacturing and Related Uses for approximately 40 acres of land located in North Austin south of Rutland Drive approximately 900 feet east of T.N. & O. Railroad. The staff has included as additional area approximately 40 acres adjoining the area being requested for change. He pointed out the recent developments in the area, the elementary school, and Quail Creek West Subdivisions as well as the proposed arterial streets for the area. In addition he indicated the industrial development along Rutland Drive mentioning the W. D. Anderson Company, Robb Gray, Gray and Becker, Inc. (Stran Steel Company) and the Precision Wood Products Corporation, and the Wernerberger Construction Company. All of the contractors use open storage.

A recent subdivision entitled Northgate Terrace that proposed both general retail and apartment development has been reviewed by the Commission. This development is immediately to the south of the proposed development.

The Director, Mr. Osborne, pointed out the major problem was the intrusion of the industrial type of development into a residential area to the east of the railroad. If it were not for the existing industrial development along Rutland Drive, which is about 10 percent of the area, denial of this request could be recommended. The intent and type of development presently situated, except for the Precision Wood Manufacturing Company, would fit into the Commercial Service and Semi-Industrial classification of the Austin Development Plan. It is the staff's recommendation that this classification be established from the north property line of the K.V.E.T. transmitter tract, a line approximately 800 feet from the south property line, northerly to Rutland Drive. This is a limited type of industrial district that provides for warehousing, contractors storage yards and similar type operations.

Mr. Baker, representing the applicant, said the Commission had been correctly informed on the use of the land. He explained the uses had been established for 12 to 24 months. Mr. Gray has recently sold a portion of his tract to a plumbing contractor for an office. In addition, the Stran Steel Company and Precision Wood Corporation are manufacturing operations in the area which encompass the northern portion of this approximate 80 acre area.

Gray and Becker, in addition to the six acres they occupy, own approximately 25 acres that they propose to subdivide into an industrial subdivision. There is a good demand for this type of lot.

Mr. Baker indicated that anything less than manufacturing and related uses would not permit his client proper utilization of the land.

Mr. Thomas, an adjoining landowner, was not opposed to the proposed use of the land but he supported Mr. Osborne's recommendation. He stated he very much needed a buffer zone between the industrial area and his proposed apartment area.

C2-69-1(f) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

The Commission questioned the applicant and staff on various ways the development could occur and its relation to the proposed residential areas and how various buffers could be utilized such as fences or land area. After considerable discussion, the Commission

VOTED: To recommend the proposed change from Low Density Residential to Manufacturing and Related Uses for the area outlined except for the southern 250 feet, which is recommended for Medium Density Residential.

AYE: Messrs. Kinser, Reeves, Anderson, Crier, Hanks, Taniguchi and Kinnan  
 NAY: Mr. Milstead  
 ABSENT: None

C2-69-1(g) AUSTIN DEVELOPMENT PLAN AMENDMENT  
 220 Acre area located south of Riverside Drive and east of Pleasant Valley Road

This is a request for a change in the Austin Development Plan from Low Density Residential to Medium Density Residential. Mr. Golden reported on the area and described its proximity to the recent changes in the Austin Development Plan to permit multi-family housing along East Riverside Drive west of Pleasant Valley Road. The subject area is primarily undeveloped with scattered existing residential development occurring along East Riverside Drive and Riverside Farm Road. The development is suburban residential in character. There is one welding shop located on Riverside Drive just west of Riverside Farms Road.

Mr. Osborne pointed out that some 600 acres of land to the west of the proposed Pleasant Valley Road was designated for Medium Density Residential in 1968. The staff felt then that the area under consideration for Medium Density was excessive.

Until there is some land planning considerations for the area it is recommended that the area to be designated be reduced to approximately 1,000 feet east of Pleasant Valley Road and 3,000 feet south of Riverside Drive. The southern boundary would be the extension of Oltorf Street and would contain approximately 80 acres. He pointed out this could give the developer a start, but before he got too far along, a plan for the area should be submitted.

Mr. Robert Sneed, represented the applicants, Mr. Charles Morrison, John Byram and Mrs. Roberta Dickson. The present owner has agreed to sell the property subject to the necessary zoning.

Mr. Sneed pointed out that in the area to the west of Pleasant Valley Road the question was raised as to which came first annexation and zoning or change in the Development Plan. In the area to the west the zoning was first turned down until the Development Plan was changed. Therefore, this time the applicant started with the change in the Development Plan after first asking for annexation. The next step would be to finalize the annexation and proceed with the zoning of the area based on the Development Plan.

C2-69-1(g) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

Mr. Sneed stressed the beauty of the area and lack of new single-family development in recent years. People locate where they can live near good employment centers so they can be close to their work. The Del Valle School District boundary was a constraint to single-family development. The majority of the people in this area work Downtown, I.R.S. as well as Bergstrom Air Force Base. Mr. Sneed also stressed accessibility to the University of Texas.

Mr. Sneed stated that the applicants need to know at this time that the entire area under contract will be designated as Medium Density Residential. He indicated the additional areas for consideration were added by the Planning Department.

Commission members questioned the staff and the applicant extensively on the amount of land needed, and whether there were any possible alternatives. They also questioned the procedures and need for specific plans at this time. Mr. Taniguchi felt more information was needed by the Commission before such a large area is changed. He was interested in seeing some open space preserved in these proposals.

Mr. Sneed and others questioned the planning procedures, the use of the Development Plan and the recommendation. He further pointed out the zoning would clarify the density question and that the request would not result in one blanket multi-family housing type development but the predominant residential development would be multi-family housing.

After a lengthy discussion including discussion of various boundaries and clarification of types of plans that need to be submitted, the Commission

VOTED: To recommend that the reduced area of approximately 80 acres be changed from Low Density Residential to Medium Density Residential.

AYE: Messrs. Anderson, Taniguchi, Milstead and Crier

NAY: Messrs. Kinser, Reeves and Kinnan

ABSTAIN: Mr. Hanks

C10-69-1(m) STREET VACATION

Singleton Avenue and Cedar Avenue  
south of New York Avenue

C10-69-1(n) STREET AND ALLEY VACATION

Stokes Drive from Glen Rae Street to Webberville Road. Alley  
from Wayne Street between Glen Rae Street and Webberville Road

C10-69-1(o) STREET VACATION

Waldine Avenue from Nile Street to Boggy Creek. Love Street  
from Waldine Street south

C10-69-1(p) STREET VACATION

Midway Street and Nile Street between East 11th and Walter  
Street. Courtney Street between Midway and Nile Street

The staff reported that the above described streets and alleys are located within the Glen Oaks Urban Renewal project area and the Urban Renewal Agency has

C10-69-1(m) STREET VACATION--contd.  
C10-69-1(n) STREET AND ALLEY VACATION--contd.  
C10-69-1(o) STREET VACATION--contd.  
C10-69-1(p) STREET VACATION--contd.

requested vacation in accordance with the Urban Renewal Plan. The request has been circulated to the various City departments and the recommendation is in favor subject to the retention of the necessary easements. Inasmuch as the request is in conformance with the Urban Renewal Plan for land use, the staff recommends the vacation subject to the retention of the sanitary sewer, water department, storm sewer, electric department, telephone company and gas company easements as pertains to each street and alley. The Commission then

VOTED: To recommend that the following streets and alleys be VACATED, subject to retention of the necessary easements as pertains to each street and alley:

Singleton Avenue and Cedar Avenue south of New York Avenue  
 Stokes Drive from Glen Rae Street to Webberville Road  
 Alley from Wayne Street between Glen Rae Street and Webberville Road  
 Waldine Avenue from Nile Street to Boggy Creek  
 Love Street from Waldine Street south  
 Midway Street and Nile Street between East 11th and Walter Street  
 Courtney Street between Midway and Nile Street

C10-69-1(q) ALLEY VACATION  
 Alley located between Guadalupe and Lavaca Streets  
 and West 3rd and 4th Streets

The staff reported this request to vacate the alley located between Guadalupe and Lavaca Streets and West 3rd and 4th Streets is made by the Southwestern Ice and Cold Storage Company, the only abutting property owner. The request has been circulated to the various City departments and the staff recommends that the vacation be granted subject to retention of the necessary sanitary sewer, electric department and telephone company easements. The Commission then

VOTED: To recommend that the alley located between Guadalupe and Lavaca Streets and West 3rd and 4th Streets be VACATED subject to retention of the necessary easements as indicated.

C10-69-1(r) STREET VACATION  
 A portion of Gillum Circle south  
 of Eberhart Lane

This request to vacate a portion of Gillum Circle south of Eberhart Lane is made by Mr. Robert L. Ogden owner of the abutting property. It is also requested that the name of the street be changed to South Meadows Boulevard.

C10-69-1(r) STREET VACATION--contd.

The request has been circulated to the various City departments and there is no need for retention of any easements. The staff recommends in favor of the vacation request and the request for a name change. The Commission then

VOTED: To recommend that a portion of Gillum Circle south of Eberhart Lane be VACATED and that the request to change the name to South Meadows Boulevard be GRANTED.

C10-69-1(s) STREET VACATION

Holland Boulevard south of Banyon Street  
and west of Lamar Boulevard

The staff reported that this request to vacate Holland Boulevard south of Banyon Street and west of Lamar Boulevard is made by the Jefferson Chemical Company. Portions of the street have been vacated both on the east and west side and there is only a 60 foot portion retained as public right-of-way. The request has been circulated to the various City Departments and there is only one requirement by the Electric Department which is to maintain a five foot electrical easement along the south side. The staff recommends that the request be granted subject to the retention of the necessary easement. The Commission then

VOTED: To recommend that Holland Boulevard south of Banyon Street and west of Lamar Boulevard be VACATED subject to the retention of the necessary Electrical Department easement.

ADJOURNMENT: The meeting was adjourned at 11:45 p.m.

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Hoyle M. Osborne  
Executive Secretary